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USA v. Berges Romero

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 01-4367

UNITED STATES OF AMERICA

v.

LUIS EDUARDO BERGES ROMERO,
a/k/a LOUIE,
Appellant

On Appeal From the United States District Court
For the Eastern District of Pennsylvania
(D.C. Crim. Action No. 01-cr-00053)
District Judge: Honorable Franklin S. VanAntwerpen

Submitted Pursuant to Third Circuit LAR 34.1(a)

June 28, 2002

BEFORE: AMBRO, STAPLETON and CUDAHY,* Circuit Judges

(Opinion Filed July 3, 2002)

* Honorable Richard D. Cudahy, United States Circuit Judge for the Seventh Circuit,
sitting by designation.

OPINION OF THE COURT

STAPLETON, Circuit Judge:

Appellant Luis Eduardo Berges Romero pled guilty to conspiracy to distribute 50 grams of crack and distribution of more than 5 grams of crack. Prior to sentencing, the government filed a 5K1.1 motion based on his cooperation. The District Court determined that Berges Romero's mandatory minimum penalty was 120 months, and that his sentencing guidelines range was 121 to 151 months. The District Court departed downward and imposed a sentence of 108 months of imprisonment, ten years of supervised release, and a special assessment of \$200.

The sole issue raised in this appeal is whether the District Court erred "in failing to give [Berges Romero] sufficient credit for his cooperation." Appellant's Br. at 3. We are without jurisdiction to review the extent of a downward departure granted by the District Court. United States v. Khalil, 132 F.3d 897 (3d Cir. 1997).

This appeal will be dismissed for want of jurisdiction.

TO THE CLERK:

Please file the foregoing Not Precedential Opinion.

/s/ Walter K. Stapleton
Circuit Judge