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USA v. Moquete

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-4497

UNITED STATES OF AMERICA

v.

JUNIOR JOSE MOQUETE,

Appellant

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Criminal Action No. 01-cr-00551-1)
District Judge: Honorable Franklin S. VanAntwerpen

Submitted Under Third Circuit LAR 34.1(a)
June 30, 2003

Before: SLOVITER, AMBRO and BECKER, Circuit Judges

(Opinion filed: July 2, 2003)

OPINION

AMBRO, Circuit Judge

In this criminal case, the District Court applied United States Sentencing Guideline § 5C1.2 to depart downward from the statutory minimum sentence of 120 months imprisonment. The Court sentenced Junior Jose Moquette to 78 months, within the

adjusted Guideline range of 70 to 87 months.

On appeal, Moquette “raises no legal question with respect to the downward departure of his sentence but challenges only the extent of the district court’s exercise of discretion.” *United States v. Khalil*, 132 F.3d 897, 898 (3d Cir. 1997). We do not have jurisdiction to review this discretionary decision. *See id.*

The appeal is therefore dismissed for lack of jurisdiction.

TO THE CLERK:

Please file the foregoing Opinion.

By the Court,

/s/ Thomas L. Ambro
Circuit Judge