

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 05-1864

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United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the Southern
v.	*	District of Iowa.
	*	
Sonni Natasha Hernandez,	*	[UNPUBLISHED]
	*	
Appellant.	*	

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Submitted: December 7, 2005  
Filed: December 12, 2005

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Before ARNOLD, FAGG, and SMITH, Circuit Judges.

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PER CURIAM.

Sonni Natasha Hernandez appeals the 120-month sentence the district court\* imposed after Hernandez pleaded guilty to a drug-conspiracy charge. Hernandez argues the government acted in bad faith by not filing a motion under 18 U.S.C. § 3553(e) for a departure below the mandatory minimum sentence. We conclude Hernandez failed to make a substantial threshold showing that the government’s refusal was “irrational, in bad faith, or based on an unconstitutional motive.” See

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\*The Honorable Robert W. Pratt, United States District Judge for the Southern District of Iowa.

United States v. Davis, 397 F.3d 672, 676 (8th Cir. 2005) (quoting Wade v. United States, 504 U.S. 181, 186 (1992)). Accordingly, we affirm.

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