

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-1866

United States of America,

Appellee,

v.

Cecil Eugene Schultz, Sr.,

Appellant.

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Appeal from the United States
District Court for the Eastern
District of Arkansas.

[UNPUBLISHED]

Submitted: December 19, 2005

Filed: December 21, 2005

Before ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Cecil Eugene Schultz, Sr. appeals the 120-month sentence the district court* imposed after Schultz pleaded guilty to a drug-conspiracy charge. Shultz argues an evidentiary hearing is necessary to determine if his coconspirators had indeed pleaded guilty when the government denied him an opportunity to earn a substantial-assistance reduction by providing information. We conclude Schultz failed to make a substantial threshold showing that the government's refusal was "irrational, in bad faith, or based on an unconstitutional motive." See United States v. Davis, 397 F.3d 672, 676 (8th

*The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

Cir. 2005) (per curiam) (quoting United States v. Lincona-Lopez, 163 F.3d 1040, 1042) (1998)). Accordingly, we affirm.
