

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

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No. 98-3959

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United States of America,

Appellee,

v.

Roderick S. Pipes,

Appellant.

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Appeal from the United States  
District Court for the  
District of Nebraska.

[UNPUBLISHED]

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Submitted: December 6, 1999  
Filed: December 20, 1999

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Before McMILLIAN, LOKEN, and MURPHY, Circuit Judges.

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PER CURIAM.

In a prior decision, we reversed Roderick Pipes' sentence and remanded the case to the district court<sup>1</sup> to conduct an evidentiary hearing to determine whether Pipes' motion to compel the government to file a downward departure motion should be granted. After the district court held a hearing at which a number of witnesses testified, it made findings and conclusions, denied Pipes' motion to compel, and reimposed a

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<sup>1</sup>The Honorable Richard G. Kopf, United States District Judge for the District of Nebraska.

sentence of 120 months and 5 years of supervised release. See United States v. Pipes, 22 F. Supp.2d 1070, 1082-85 (D. Neb. 1998). After reviewing the record, we conclude that the district court did not err in its findings or conclusions, and we affirm. We also reject Pipes' argument that the government reneged on the plea agreement because it is beyond the scope of this appeal. See United States v. Bartsh, 69 F.3d 864, 866 (8th Cir. 1995).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.