

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

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No. 05-4417

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United States of America,

Appellee,

v.

Todd L. Parde,

Appellant.

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

[UNPUBLISHED]

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Submitted: February 14, 2007

Filed: February 22, 2007

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Before RILEY, MAGILL, and MELLOY, Circuit Judges.

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PER CURIAM.

Todd L. Parde (Parde) pled guilty to conspiring to distribute and possess with intent to distribute 500 grams or more of methamphetamine mixture, in violation of 21 U.S.C. § 846. The district court<sup>1</sup> sentenced him to the statutory minimum term of 120 months' imprisonment and five years' supervised release. On appeal, Parde argues the district court erred by denying his downward-departure motion under U.S.S.G. § 5K2.13. However, the district court was without authority to sentence him below the statutory minimum because the government did not file a substantial-

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

assistance motion under 18 U.S.C. § 3553(e) and he was not eligible for safety-valve relief under 18 U.S.C. § 3553(f). See United States v. Chacon, 330 F.3d 1065, 1066 (8th Cir. 2003). Accordingly, we affirm the judgment of the district court.

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