

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2366

United States of America,

Appellee,

v.

Michael D. Sanders,

Appellant.

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* Appeal from the United States
* District Court for the Western
* District of Missouri
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* [Unpublished]
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Submitted: September 22, 2004

Filed: October 26, 2004

Before MELLOY, McMILLIAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Michael D. Sanders, a Missouri prisoner, appeals the final judgment entered in the District Court¹ for the Western District of Missouri summarily denying Sanders's motion to correct his criminal sentence. Sanders pleaded guilty to a drug offense and was sentenced to 84 months imprisonment (to be served concurrently with a state sentence) and 6 years supervised release. More than three months after sentencing, he moved to correct his sentence under Fed. R. Crim. P. 35, or alternatively to reduce his sentence in accordance with U.S.S.G. § 5G1.3(b). We

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

conclude the district court did not abuse its discretion in denying the motion, as the court lacked jurisdiction to alter the sentence more than seven days after its imposition. See Fed. R. Crim. P. 35(a) (within 7 days after sentencing, court may correct sentence that resulted from arithmetical, technical, or other clear error); United States v. Austin, 217 F.3d 595, 597 (8th Cir. 2000) (district court has no jurisdiction to alter sentence more than 7 days after its imposition, even if sentence was legally erroneous); United States v. Gruenberg, 53 F.3d 214, 215 (8th Cir. 1995) (per curiam) (standard of review).

Accordingly, we affirm. See 8th Cir. R. 47A(a).
