

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-1742

United States of America,

Appellee,

v.

Felix Herrera, Jr., also known
as Felix J. Herrera, Jr.,

Appellant.

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

[UNPUBLISHED]

Submitted: November 23, 2007

Filed: November 29, 2007

Before WOLLMAN, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Felix Herrera, Jr., challenges the district court's¹ order denying his "Motion for Reduction of Sentence (Rule 35)." We construe the motion as a motion to correct Herrera's sentence filed under Federal Rule of Criminal Procedure 35(a). Cf. Fed. R. Crim. P. 35(b) (upon government's motion within 1 year of sentencing, court may reduce sentence for defendant's substantial assistance). We conclude that the district court did not abuse its discretion in denying the motion, as the sentence did not result

¹The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.

“from arithmetical, technical, or other clear error.” See Fed. R. Crim. P. 35(a); United States v. Peltier, 446 F.3d 911, 913 (8th Cir. 2006) (standard of review).

Accordingly, the judgment is affirmed.
