

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1369

United States,

Appellee,

v.

Corey W. Schneider,

Appellant.

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* Appeal from the United States

* District Court for the

* District of Nebraska.

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* [UNPUBLISHED]

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Submitted: December 27, 2007

Filed: January 15, 2008

Before BYE, RILEY and MELLOY, Circuit Judges.

PER CURIAM.

Corey W. Schneider appeals the 168-month sentence that the district court¹ imposed after granting the government's Federal Rule of Criminal Procedure 35(b) motion to reduce Schneider's sentence based on substantial assistance. Schneider argues that the sentence is unreasonable because the district court did not give enough weight to his assistance and cooperation. In particular, he contends that the court incorrectly applied the Guidelines by not taking into account the factors under U.S.S.G. § 5K1.1(a) (providing for departure from Guidelines for substantial

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

assistance). He asks this court to order a departure of at least 50%, rather than the 20% granted by the district court.

We dismiss the appeal, because we lack jurisdiction to consider Schneider's challenge to the reasonableness of the court's discretionary Rule 35(b) sentence reduction. See United States v. Haskins, 479 F.3d 955, 957 (8th Cir. 2007) (per curiam) (dismissing appeal because court of appeals lacked jurisdiction to hear appeal of district court's decision on Rule 35(b) motion; United States v. Booker, 543 U.S. 220 (2005), did not expand 18 U.S.C. § 3742(a) to include appellate review of discretionary sentencing reductions; although defendant framed issue as sentence's overall reasonableness, he was appealing ruling on motion to reduce sentence); United States v. Sykes, 356 F.3d 863, 865 (8th Cir. 2004) (absent unconstitutional motive, extent to which district court exercises its discretionary authority to depart is not subject to review).

Accordingly, we dismiss the appeal.
