

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

No. 00-3288

United States of America,

Appellee,

v.

Chim Lo Van, also known as Monkey,

Appellant.

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Appeal from the United States
District Court for the
District of South Dakota.

[UNPUBLISHED]

Submitted: June 7, 2001
Filed: June 12, 2001

Before BOWMAN, BEAM, and LOKEN, Circuit Judges.

PER CURIAM.

Chim Lo Van appeals the 100-month sentence the district court¹ imposed after he pleaded guilty to possessing methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1). Lo Van argues his sentence violates Apprendi v. New Jersey, 530 U.S. 466 (2000).

¹The HONORABLE LAWRENCE L. PIERSOL, Chief Judge, United States District Court for the District of South Dakota.

Having carefully reviewed the record, we conclude the district court did not err in sentencing Lo Van, as his sentence did not exceed the statutory maximum prison term for possessing with intent to distribute an unspecified amount of methamphetamine. See 21 U.S.C. § 841(b)(1)(C); United States v. Aguayo-Delgado, 220 F.3d 926, 933 (8th Cir.), cert. denied, 121 S. Ct. 600 (2000).

Accordingly, we affirm.

A true copy.

Attest:

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