

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

No. 00-3569

United States of America,

Appellee,

v.

Lorenzo Diaz,

Appellant.

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Appeal from the United States
District Court for the Northern
District of Iowa.

[UNPUBLISHED]

Submitted: May 30, 2001

Filed: June 5, 2001

Before MORRIS SHEPPARD ARNOLD, BEAM, and BYE, Circuit Judges.

PER CURIAM.

In this appeal following the grant of a reduction in sentence under Federal Rule of Criminal Procedure 35(b), Lorenzo Diaz challenges the sentence imposed by the district court.¹ His counsel has filed a brief and moved to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967), arguing that the district court did not explain adequately its downward departure. Counsel's arguments amount to a challenge of the extent of the departure. We have no jurisdiction to review on such grounds.

¹The Honorable Michael J. Melloy, United States District Judge for the Northern District of Iowa.

See United States v. Coppedge, 135 F.3d 598, 599 (8th Cir. 1998) (per curiam) (dismissing appeal where Anders brief challenged extent of Rule 35(b) reduction because appeal is not based on any criteria listed in 18 U.S.C. § 3742(a)).

Accordingly, we dismiss this appeal for lack of jurisdiction, and grant defense counsel's motion to withdraw. We also grant Diaz's motion to seal the Anders brief and we direct the clerk to seal both the brief and the Rule 35(b) hearing transcript.

A true copy.

Attest:

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