

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2978

United States of America,	*	
	*	
Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the
	*	District of Northern Iowa.
Duane "Red" Clasen,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: March 10, 2004

Filed: March 23, 2004

Before MURPHY, HEANEY, and SMITH, Circuit Judges.

PER CURIAM.

Duane Clasen pled guilty to distribution of 6.85 grams of methamphetamine (mixture) after having previously been convicted of one or more felony drug offenses in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 851. The undisputed sentencing range was 188 - 235 months. The district court sentenced Clasen to 200 months imprisonment, stating that "when I looked at this file originally, I was going to sentence him to the maximum, which was 235 months. Based on what [the attorney for the government] has told me, I have decreased it somewhat." (Sentencing Hr'g Tr. at 12.) Clasen appeals his sentence arguing that the district court violated

his due process right to an impartial judge by determining what sentence it would impose prior to the sentencing hearing.

“It is well settled that a sentence within the range provided by statute is generally not reviewable by an appellate court.” United States v. Collins, 340 F.3d 672, 679 (8th Cir. 2003). Clasen presents no evidence to cause us to veer from this rule. See 18 U.S.C. § 3742(a) (enumerating the circumstances when a defendant can appeal an otherwise final sentence). Due to the complexities of guideline sentencing, a district court needs to prepare in advance of the sentencing hearing. Here, the district court also properly considered the points the parties advanced at the hearing before it imposed Clasen’s sentence. Accordingly, we affirm the district court.
