

United States Court of Appeals
For the Eighth Circuit

No. 14-2299

United States of America

Plaintiff - Appellee

v.

Kelly R. Randall, also known as Peter Dick

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Sioux City

Submitted: December 11, 2014

Filed: December 16, 2014

[Unpublished]

Before SMITH, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Kelly Randall appeals the district court's¹ amended judgment reducing his sentences under Federal Rule of Criminal Procedure 35(b), upon motion of the

¹The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.

government, for providing substantial assistance. On appeal, he argues that (1) the sentences were imposed in violation of the law, because the court improperly considered an unrelated factor in determining the extent of the reductions; and (2) the extent of the reductions undervalued his assistance and its cost to him personally.

We lack jurisdiction to entertain this appeal, however, because it does not meet the criteria for sentencing appeals, as set out in 18 U.S.C. § 3742(a). See United States v. Haskins, 479 F.3d 955, 957 (8th Cir. 2007) (per curiam) (court lacks jurisdiction to hear Rule 35(b) sentence appeal that does not satisfy § 3742(a) criteria). Specifically, the district court's purported consideration of a factor unrelated to Randall's substantial assistance in determining the extent of the reduction is not a violation of the law, see United States v. Rublee, 655 F.3d 835, 839 (8th Cir. 2011); and Randall's challenge to the extent of the reduction is not reviewable, see United States v. Coppedge, 135 F.3d 598, 599 (8th Cir. 1998) (per curiam) (inmate's challenge to extent of sentence reduction was unreviewable because it was not based on § 3742(a) criteria).

Accordingly, we dismiss this appeal for lack of jurisdiction. We also grant counsel leave to withdraw.
