

United States Court of Appeals
For the Eighth Circuit

No. 15-3452

United States of America

Plaintiff - Appellee

v.

Edward Allen Stieber, also known as Eddie Stieber, also known as Kool_uncle,
also known as hardtohandle4u

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: March 17, 2016
Filed: April 11, 2016
[Unpublished]

Before WOLLMAN, ARNOLD, and SHEPHERD, Circuit Judges.

PER CURIAM.

Edward Stieber appeals the sentence that the district court¹ imposed on him after he pleaded guilty to two counts of attempting to produce child pornography. *See* 18 U.S.C. § 2251(a) and (e). He maintains, first, that his within-Guidelines sentence is substantively unreasonable because it was based primarily on uncharged conduct and potential future criminal conduct. A sentencing court, however, may consider relevant, uncharged conduct, *United States v. Pratt*, 553 F.3d 1165, 1170 (8th Cir. 2009), and should consider the need to protect the public from future crimes by the defendant. 18 U.S.C. § 3553(a)(2)(C). Our review of the sentencing-hearing transcript does not reveal that the district court gave undue weight to these considerations. Our precedents foreclose Stieber's second argument, that the district court should have considered his potential eligibility for civil commitment in fixing his sentence. *See United States v. Jeffries*, 615 F.3d 909, 911–12 (8th Cir. 2010). We therefore conclude that Stieber has failed to rebut the presumption that his within-Guidelines sentence, which was based upon a proper consideration of the matters contained in § 3553(a), is reasonable. *See Gall v. United States*, 552 U.S. 38, 40 (2007).

Affirmed.

¹The Honorable Beth Phillips, United States District Judge for the Western District of Missouri.