

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

April 8, 2016

## Before

WILLIAM J. BAUER, *Circuit Judge*

DAVID F. HAMILTON, *Circuit Judge*

SARA L. ELLIS, *District Judge\**

No. 12-2606

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

SALVADOR GUADALUPE NAVARRO,  
*Defendant-Appellant.*

Appeal from the United States District  
Court for the Southern District of  
Illinois.

No. 11 CR 30046

**Michael J. Reagan,**  
*Chief Judge.*

## ORDER

The petition for rehearing filed by defendant-appellant Navarro is hereby GRANTED to the extent that footnote 1 of the original opinion issued October 27, 2015, is AMENDED to read as follows:

Where the government has breached a plea agreement based

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\* The Honorable Sara L. Ellis, of the United States District Court for the Northern District of Illinois, sitting by designation.

on its sentencing recommendation, our usual course is to remand for resentencing before a different judge. See *Diaz-Jimenez*, 622 F.3d at 694 (“[A] minimum remedy [for breach of a plea agreement] is specific performance and resentencing by a different judge.”). We will follow our usual course in this case as well as suggest that the government consider assigning this case to a different prosecutor to avoid any appearance of unfairness in the sentencing process moving forward.

An amended opinion shall issue accordingly. The mandate shall issue immediately.