

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

July 13, 2004

Before

Hon. Richard A. Posner, *Circuit Judge*

Hon. Frank H. Easterbrook, *Circuit Judge*

Hon. Michael S. Kanne, *Circuit Judge*

No. 03-4225

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

FREDDIE J. BOOKER,
Defendant-Appellant.

Appeal from the United States District
Court for the Western District
of Wisconsin.

No. 03 CR 26

John C. Shabaz, *Judge*.

O R D E R

The opinion issued July 9 is amended by adding the following sentence as a new, final paragraph of the opinion (just before "Reversed and Remand:):

Because the government does not argue that Booker's Sixth Amendment challenge to the guidelines was forfeited by not being made in the district court, we need not consider the application of the doctrine of plain error, e.g., *United States v. Olano*, 507 U.S. 725, 731 (1993), to challenges inspired by the *Blakely* decision.