

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

July 22, 2005

Before

Hon. KENNETH F. RIPPLE, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. DIANE S. SYKES, *Circuit Judge*

No. 04-1967

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOHN WALTZ,
Defendant-Appellant.

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

No. 03 CR 20081

Michael P. McCuskey,
Chief Judge.

ORDER

This court ordered a limited remand so the district court could state on the record whether the sentence remains appropriate now that *United States v. Booker*, 125 S. Ct. 738 (2005), has limited the Guidelines to advisory status. *See United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005).

The chief district judge has now replied that he would today impose the same sentence, knowing of the Guidelines' advisory status. The range under the Guidelines is 151 to 188 months, and Waltz's sentence of 151 months is the lowest possible sentence. The defendant did not respond to our invitation to file an argument concerning the appropriate disposition of the appeal in light of the district court's response. We do not see any reason why Waltz's sentence would be deemed "unreasonable" in post-*Booker* practice. The judgment of the district court therefore is **AFFIRMED**.