

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

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

Submitted August 11, 2005*
Decided August 11, 2005

Before

Hon. FRANK H. EASTERBROOK, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

Hon. DIANE S. SYKES, *Circuit Judge*

No. 04-1264

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KEVIN T. ROMEZ,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of
Illinois, Western Division

No. 02 CR 50052

Philip G. Reinhard,
Judge.

O R D E R

Kevin Romez was arrested while carrying a gun and transporting over three kilograms of marijuana in his girlfriend's car. He was indicted for possession with intent to distribute the marijuana, 21 U.S.C. § 841(a)(1), carrying a firearm in

* After an examination of the briefs and the record, we have concluded that oral argument is unnecessary. Thus, the appeal is submitted on the briefs and the record. See Fed. R. App. P. 34(a)(2).

relation to a drug trafficking crime, 18 U.S.C. § 924(c)(1)(A), and possession of a firearm by a felon, *id.* § 922(g)(1). He pleaded guilty to all three counts after entering into a written plea agreement that includes a waiver of his right to appeal his convictions or sentences in return for concessions by the government.

Appealing nonetheless, Romez maintains that the sentencing court erred by applying the formerly mandatory guidelines regime, *see United States v. Booker*, 125 S. Ct. 738 (2005), and contends that a limited remand under *United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005), is necessary. For its part the government asserts that this appeal should be dismissed without reaching the *Booker* issue, and we agree. Romez's plea agreement included no "escape hatch" to permit him an appeal should the guidelines be invalidated, and the law implies none, *Booker* notwithstanding. *See United States v. Bownes*, 405 F.3d 634, 636–37 (7th Cir. 2005); *see also United States v. Lockwood*, No. 04-2511, 2005 WL 1743745, at *4 (7th Cir. July 26, 2005); *United States v. Roche*, No. 04-1475, 2005 WL 1618816, at *2 (7th Cir. July 11, 2005); *United States v. Cieslowski*, 410 F.3d 353, 362 (7th Cir. 2005). Therefore, this appeal is **DISMISSED**.