

UNPUBLISHED ORDER

Not to be cited per Circuit Rule 53

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

August 18, 2005

Before

Hon. WILLIAM J. BAUER, Circuit Judge

Hon. RICHARD A. POSNER, Circuit Judge

Hon. FRANK H. EASTERBROOK, Circuit Judge

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

No. 03-4211

v.

RALPH A. ROMERO,
Defendant-Appellant.

} Appeal from the United
States District Court for the
Northern District of Indi-
ana, South Bend Division.

} No. 3:03-CR-18 RM
Robert L. Miller, Jr., *Chief*
Judge.

Order

On limited remand under *United States v. Paladino*, 401 F.3d 471, 481-85 (7th Cir. 2005), the district judge concluded that he would not have imposed a lower sentence had he known that the Guidelines are advisory.

In response to our invitation, the parties have filed memoranda. Romero does not contend that the sentence he received--420 months' imprisonment for distributing more than 50 tons of marijuana--is "unreasonable," the post-*Booker* standard of appellate review. Instead he contends that application to him of Justice Breyer's opinion for the remedial majority in *Booker* would violate ex post facto principles applied through the due process clause. That position was considered and rejected in *United States v. Jamison*, No. 05-1045 (7th Cir. July 20, 2005). Accordingly, the judgment of the district court is affirmed.