

United States Court of Appeals

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

August 29, 2005

Before

Hon. RICHARD A. POSNER, *Circuit Judge*

Hon. ILANA DIAMOND ROVNER, *Circuit Judge*

Hon. ANN CLAIRE WILLIAMS, *Circuit Judge*

No. 03-3955

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JEFFREY L. GOLDBERG,
Defendant-Appellant.

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

No. 03 CR 332

Milton I. Shadur,
Judge.

O R D E R

After concluding that the district court correctly calculated the range under the Sentencing Guidelines, this court ordered a limited remand so that the district court could inform us whether he considers the sentence he imposed to be appropriate, given that the guidelines are no longer mandatory. *See United States v. Booker*, 125 S. Ct. 738 (2005); *United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005).

The court judge has informed us that he would impose the same sentence under the advisory guidelines. Sentence ranges properly calculated under the Guidelines are presumptively reasonable, *see United States v. Mykytiuk*, 415 F.3d 606 (7th Cir. 2005), and the defendant has not filed a response and therefore has not rebutted that presumption. Nor does our independent review suggest that the sentence is unreasonable.

The judgment is therefore **AFFIRMED**.