

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

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

September 20, 2005

Before

Hon. RICHARD A. POSNER, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

Hon. ANN CLAIRE WILLIAMS, *Circuit Judge*

No. 04-2378

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

DARRELL TURNER,
Defendant-Appellant.

Appeal from the United States
District Court for the Northern
District of Indiana, South Bend
Division

No. 3:03-CR-00022(02)RM

Robert L. Miller, Jr.,
Chief Judge.

O R D E R

We ordered a limited remand to ask whether the district judge, had he known the sentencing guidelines were advisory, would have imposed the same sentence on Darrell Turner. *See United States v. Booker*, 125 S. Ct. 738 (2005); *United States v. Paladino*, 401 F.3d 471, 484 (7th Cir. 2005). The judge answered that he would.

We invited the parties to respond, but only the government did. Here, the sentencing range was properly calculated under the guidelines and thus presumptively reasonable. *See United States v. Mykytiuk*, 415 F.3d 606, 608 (7th Cir. 2005). Because Turner has not rebutted that presumption, the judgment in appeal number 04-2378 is AFFIRMED.