

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

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

September 22, 2005

Before

Hon. THOMAS E. FAIRCHILD, *Circuit Judge*

Hon. RICHARD A. POSNER, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

No. 04-2481

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

SPENCER DURHAM,
Defendant-Appellant.

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

No. 03 CR 38-1

Elaine E. Bucklo,
Judge.

O R D E R

After we ordered a limited remand, *see United States v. Booker*, 125 S. Ct. 738 (2005); *United States v. Paladino*, 401 F.3d 471, 484 (7th Cir. 2005), the district judge informed us that she would have imposed the same sentence on Spencer Durham had she known the sentencing guidelines were advisory. Because that sentence fell within the correctly calculated guidelines range, it was presumptively reasonable. *See United States v. Mykytiuk*, 415 F.3d 606, 608 (7th Cir. 2005). Since Durham filed no response to rebut that presumption and our independent review uncovers nothing to suggest unreasonableness, the judgment is **AFFIRMED**.