

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

October 6, 2005

Before

HON. FRANK H. EASTERBROOK, *Circuit Judge*

HON. MICHAEL S. KANNE, *Circuit Judge*

HON. DIANE P. WOOD, *Circuit Judge*

No. 03-2513

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

Appeal from the United States
District Court for the
Central District of Illinois.

v.

No. 02-20014-001

PHILIP D. JONES,
Defendant-Appellant.

Michael P. McCuskey, *Chief Judge.*

O R D E R

This case originally came to us on remand from the Supreme Court for further consideration in light of *United States v. Booker*, 125 S. Ct. 738 (2005). We previously ordered a limited remand of Philip D. Jones's sentence in accordance with *Booker* and *Paladino* so that the district court could determine whether it believed Jones's sentence remains appropriate now that *Booker* has relegated the United States Sentencing Guidelines to advisory status.

The district court has replied that, now knowing that the Guidelines are not mandatory, it desires to resentence Jones. We invited both parties to file any arguments concerning the appropriate disposition of this case in light of the district court's decision. Both parties have filed statements agreeing that the case should be remanded to the district court for resentencing.

Therefore, while we reaffirm our decision rejecting Jones's challenges to his conviction, see *United States v. Jones*, 389 F.3d 753 (7th Cir. 2004), we hereby VACATE Jones's sentence and REMAND the case for resentencing, which must be conducted in conformity with *Booker*.