

**UNPUBLISHED ORDER**  
Not to be cited per Circuit Rule 53

**United States Court of Appeals**

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

October 12, 2005

**Before**

Hon. FRANK H. EASTERBROOK, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

Hon. DIANE S. SYKES, *Circuit Judge*

No. 04-2140

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

WILLIAM HENRY SMITH, III,  
*Defendant-Appellant.*

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

No. 03 CR 58

Allen Sharp,  
*Judge.*

**O R D E R**

This court ordered a limited remand so the district court could state on the record whether the sentence remains appropriate now that *United States v. Booker*, 125 S. Ct. 738 (2005), has limited the Guidelines to advisory status. *See United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005).

The district judge has now replied that he would today impose the same sentence, knowing of the Guidelines' advisory status. The range under the Guidelines is 110 to 137 months, and Smith's sentence of 110 months is the lowest possible sentence. We do not see any reason why Smith's sentence would be deemed "unreasonable" in post-*Booker* practice. The judgment of the district court therefore is **AFFIRMED**.