

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

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

October 18, 2005

Before

Hon. JOEL M. FLAUM, *Chief Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

Hon. TERENCE T. EVANS, *Circuit Judge*

No. 04-1332

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

DANIEL W. ROEPKE,
Defendant-Appellant.

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

No. 02-CR-30135-MJR

Michael J. Reagan, *Judge.*

O R D E R

After our March 4, 2005, remand pursuant to Paladino, the district judge advised us that, had the guidelines been simply advisory in this case, a more harsh sentence than the 87-month sentence Daniel Roepke received would have been imposed. Accordingly, Roepke cannot establish plain error that prejudiced him when the judge imposed the original sentence under the mandatory sentencing guideline regimen. With Mr. Roepke's conviction having been affirmed in our order of March 4, and the further proceedings conducted by the district court as summarized in its order of May 13, 2005, this case is now closed.