

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

November 16, 2005

Before

Hon. Joel M. Flaum, Chief Judge
Hon. William J. Bauer, Circuit Judge
Hon. Richard A. Posner, Circuit Judge

UNITED STATES OF AMERICA, Plaintiff-Appellee,	]	Appeals from the United
	]	States District Court for
	]	the Northern District of
	]	Illinois, Eastern Division.
Nos. 01-2493, 01-3071, 01-4027,	]	
01-4139, 01-4235, 02-1130,	]	No. 99 CR 952
02-1136 and 02-2153	]	
	]	Ruben Castillo, Judge
v.	]	
	]	
KEITH MCGEE, THOMAS KING,	]	
LARONE BRIM, FLOZELL MCGEE,	]	
TONY BANKS, HAROLD MCKENZIE	]	
and RABBONI SMITH,	]	
Defendants-Appellants.	]	

ORDER

After concluding that the defendants' convictions should be affirmed, we ordered a limited remand with regard to the sentences of defendants King, Smith, Keith McGee, Flozell McGee, Brim, McKinzie and Banks so that the district judge could determine whether the sentences he imposed were appropriate, given that the

federal sentencing guidelines are no longer mandatory. See *United States v. Booker*, 125 S. Ct. 735 (2005).

On limited remand under *United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005), the district court was “unable to say that it would have imposed the same sentences in this unusual drug conspiracy case if it had known that the Sentencing Guidelines were merely advisory” and requested that the cases be “fully remanded for new resentencing proceedings.”

All parties were offered the opportunity to respond before final resolution of the appeals. The defendants argue that their sentences should be vacated and their cases remanded for resentencing, and the government does not object to the district judge’s request for a full remand. Accordingly,

IT IS ORDERED that the sentences of defendants King, Smith, Keith McGee, Flozell McGee, Brim, McKinzie and Banks are VACATED, and their cases are REMANDED for re-sentencing.