

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

December 8, 2005

Before

Hon. Frank H. Easterbrook, *Circuit Judge*

Hon. Daniel A. Manion, *Circuit Judge*

Hon. Diane S. Sykes, *Circuit Judge*

No. 04-1831

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOSEPH W. SALADINO,
Defendant-Appellant.

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

No. 03 CR 50016

Philip G. Reinhard, *Judge.*

O R D E R

Joseph Saladino challenged his sentence of 27 months' imprisonment in light of *United States v. Booker*, 543 U.S. 220 (2005), contending that the district court committed plain error in its application of the then-mandatory sentencing guidelines. Based on *United States v. Paladino*, 401 F.3d 471, 483-84 (7th Cir. 2005), we issued a limited remand to the Northern District of Illinois to determine whether it would impose the same sentence now that the guidelines are no longer mandatory.

The district court has responded that it would again impose the identical sentence of 27 months on Saladino post-*Booker*. Since Saladino's sentence would remain the same, the *Booker* error did not affect Saladino's substantial rights, and Saladino cannot show plain error. *See id.* at 484. We will therefore affirm as long as the sentence is reasonable. *See id.*

We invited the parties to file arguments regarding the appropriate disposition in light of the district court's decision. Saladino never responded to our invitation. As the sentence falls within the applicable guidelines range, it is presumptively reasonable. *United States v. Mykytiuk*, 415 F.3d 606, 608 (7th Cir. 2005). Therefore, we AFFIRM the district court's original sentence.