

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

December 22, 2005

Before

Hon. JOHN L. COFFEY, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

No. 04-1954

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MIGUEL LARA-UNZUETA,
Defendant-Appellant.

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

No. 02 CR 995

Charles R. Norgle, Sr.,
Judge.

ORDER

Miguel Lara-Unzueta challenged his sentence of 65 months' imprisonment, contending the district court committed plain error under *United States v. Booker*, 543 U.S. 220 (2005), by applying the sentencing guidelines as mandatory. We ordered a limited remand under *United States v. Paladino*, 401 F.3d 471, 483-84 (7th Cir. 2005), to determine whether *Booker's* added discretion would have benefitted Lara. The district court has responded that it would have imposed the same sentence. Lara, therefore, cannot show plain error. *See id.* at 484.

We invited the parties to address the appropriate disposition of this appeal in light of the district court's response, but Lara has let the deadline pass without taking that opportunity. His sentence is within the 63- to 78-month guideline range and is therefore presumed reasonable. *United States v. Mykytiuk*, 415 F.3d 606-608 (7th Cir. 2005). Nothing in the record leads us to question that presumption. Accordingly, the judgment is **AFFIRMED**.