

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

January 18, 2006

Before

Hon. RICHARD D. CUDAHY, *Circuit Judge*

Hon. FRANK H. EASTERBROOK, *Circuit Judge*

Hon. ANN CLAIRE WILLIAMS, *Circuit Judge*

No. 04-2033

UNITED STATES OF AMERICA
Plaintiff–Appellee,

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

v.

No. 03 CR 50038

DANIEL D. GRAP,
Defendant–Appellant.

Philip G. Reinhard,
Judge.

ORDER

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*, 543 U.S. 220 (2005), has limited the Federal Sentencing Guidelines to advisory status. See *United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005). The district court determined that it would impose the same sentence upon Grap, now knowing that the Guidelines' are merely advisory. We invited the parties to file memoranda addressing the appropriate disposition of the appeal in light of the district court's determination, but only the government did so.

Sentences properly calculated under the sentencing guidelines are presumptively reasonable. *United States v. Mykytiuk*, 415 F.3d 606, 608 (7th Cir. 2005). Grap's failure to file a response leaves that presumption un rebutted. His sentence does not appear to be unreasonable and is therefore AFFIRMED.