

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

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

February 3, 2006

Before

Hon. WILLIAM J. BAUER, *Circuit Judge*

Hon. JOHN L. COFFEY, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

No. 04-2652

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

COSME MALDONADO-CERNA,
Defendant-Appellant.

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

No. 03 CR 920-1

Ronald A. Guzmán,
Judge.

O R D E R

Cosme Maldonado-Cerna was sentenced to 77 months in prison for illegal reentry of the United States as an aggravated felon, *see* 8 U.S.C. § 1326(a), (b)(2). He appealed, arguing that the district court plainly erred by sentencing him under the formerly mandatory regime. *See United States v. Booker*, 543 U.S. 220 (2005); *United States v. Paladino*, 401 F.3d 471, 481 (7th Cir. 2005). We remanded to ask whether the judge would have imposed a lesser sentence had he known that the guidelines were advisory, *see Paladino*, 401 F.3d at 483–84. He answered that he would. Consequently, we VACATE Maldonado-Cerna’s sentence and REMAND for resentencing.