

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

March 7, 2006

Before

Hon. JOEL M. FLAUM, *Chief Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. TERENCE T. EVANS, *Circuit Judge*

No. 03-4140

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KENNETH A. LEE,
Defendant-Appellant.

Appeal from the United States
District Court for the Central
District of Illinois

No. 02 CR 10096

Michael M. Mihm, Judge.

O R D E R

Kenneth Lee challenged his sentence of 262 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 Central District of Illinois to determine whether it would impose the same sentence now that the guidelines are no longer mandatory.

The district court, in a thoughtful opinion, responded that it would again impose the identical sentence of 262 months on Lee post-*Booker*. In its written decision, the district court considered Lee's arguments for a reduction, as well as each of the factors listed in 18 U.S.C. § 3553(a). We invited the parties to file arguments regarding the appropriate disposition in light of the district court's

decision. 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). Lee concedes that there is no basis to argue against either the sentence or the district court's actions. Therefore, we AFFIRM the district court's original sentence.