

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

March 8, 2006

Before

Hon. FRANK H. EASTERBROOK, *Circuit Judge*

Hon. KENNETH F. RIPPLE, *Circuit Judge*

Hon. ANN CLAIRE WILLIAMS, *Circuit Judge*

No. 03-4314

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KEVIN WEBSTER,
Defendant-Appellant.

Appeal from the United States District
Court for the Southern District of
Indiana, Terre Haute Division

No. 2:02CR00017-001

John Daniel Tinder,
Judge.

O R D E R

Kevin Webster was sentenced for possession with intent to distribute methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1)(B)(viii), possession of a gun in relation to a drug trafficking crime, 18 U.S.C. § 924(c), and possession of a gun and bullets by a convicted felon, *id.* § 922(g)(1). He argued for the first time on appeal that the district court erred by applying the sentencing guidelines as mandatory. *See United States v. Booker*, 543 U.S. 220 (2005). We remanded to ask whether the judge would have imposed a lesser sentence had he known that the guidelines were advisory. *See United States v. Paladino*, 401 F.3d 471, 483–84 (7th Cir. 2005). The judge said yes, and therefore we VACATE Webster’s sentence and REMAND for resentencing.