

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

April 12, 2006

Before

Hon. RICHARD A. POSNER, *Circuit Judge*

Hon. KENNETH F. RIPPLE, *Circuit Judge*

Hon. DIANE S. SYKES, *Circuit Judge*

No. 04-2489

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ELI SANTIAGO,
Defendant-Appellant.

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

No. 02 CR 384

Robert W. Gettleman,
Judge.

O R D E R

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 Sentencing Guidelines to advisory status. See *United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005).

The district judge has now replied that he cannot conclude that he would have imposed the same sentence on Santiago at the time of his original sentencing had he known that the Sentencing Guidelines were advisory and not binding. The parties' position statements in response to our invitation to comment on the district court's *Paladino* response agree that resentencing is appropriate. Accordingly, pursuant to *Paladino*, we VACATE Santiago's sentence and REMAND to the district court for resentencing.