

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

June 9, 2006

Before

Hon. MICHAEL S. KANNE, *Circuit Judge*

Hon. DIANE P. WOOD, *Circuit Judge*

Hon. DIANE S. SYKES, *Circuit Judge*

No. 03-4075

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

WILLIAM R. KAPP,
Defendant-Appellant.

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

No. 02 CR 418

Blanche M. Manning,
Judge.

ORDER

Kapp was sentenced to 51 months' imprisonment for violations of the Endangered Species Act and the Lacey Act. On appeal, Kapp argued, among other things, that his sentence violated the Sixth Amendment. *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 she known that the guidelines were advisory. *See Paladino*, 401 F.3d at 483–84. The judge answered that she would have imposed the same sentence. Because that sentence fell within the correctly calculated guidelines range, it is presumptively reasonable. *See United States v. Mykytiuk*, 415 F.3d 606, 608 (7th Cir. 2005). Kapp filed no response before us to rebut that presumption and our independent review uncovers nothing to suggest unreasonableness. Therefore, in addition to his convictions, Kapp's sentence is also AFFIRMED.