

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

June 30, 2006

Before

Hon. FRANK H. EASTERBROOK, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. TERENCE T. EVANS, *Circuit Judge*

No. 02-2998

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KEITH KYSER, a/k/a “KEEZO”,
Defendant-Appellant.

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

No. 99 CR 544

Wayne R. Andersen, Judge.

O R D E R

A jury in the Northern District of Illinois convicted Keith Kyser of conspiracy to possess with intent to distribute controlled substances in violation of 21 U.S.C. § 846. While his appeal remained pending, the Supreme Court issued its decision in *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 Kyser’s sentence and REMAND for resentencing.