

UNPUBLISHED ORDER
Not to be cited per Circuit Rule 53

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted June 30, 2006
Decided July 24, 2006

Before

Hon. FRANK H. EASTERBROOK, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. ILANA DIAMOND ROVNER, *Circuit Judge*

No. 03-1812

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MAURICE C. PITTMAN,

Defendant-Appellant.

] Appeal from the United
] States District Court for
] the Southern District of
] Illinois.

] No. 01 CR 30108

] **William D. Stiehl,**
] *Judge.*

ORDER

This case is on appeal from a limited remand from our court pursuant to *United States v. Paladino*, 401 F.3d 471, 483-84 (7th Cir. 2005). The district court has now determined that it would impose the same sentence if we were to vacate the judgment and remand for re-sentencing even in light of the advisory nature of the Guidelines. We must therefore determine whether the sentence is reasonable. If it is, then any Sixth Amendment violation in the sentencing process did not affect

Pittman's substantial rights and thus did not constitute plain error.

The parties have had the opportunity to file arguments concerning the appropriate disposition of the appeal in light of the district court's decision but no objections have been raised to the district court's determination. Pittman's sentence is within the Guideline range, and therefore we must presume that the sentence is reasonable. *United States v. Mykytiuk*, 415 F.3d 606, 608 (7th Cir. 2005). A defendant may rebut that presumption by demonstrating that his sentence is unreasonable in light of the factors identified in 18 U.S.C. § 3553(a).

The district court's order reveals that the court considered the 18 U.S.C. § 3553(a) factors, and that it properly applied those factors in determining that it would give the same sentence. There are no apparent errors in the court's consideration of those factors, nor does Pittman raise any argument to this court that the sentence is unreasonable. Accordingly, we affirm the sentence.