

**UNPUBLISHED ORDER**  
Not to be cited per Circuit Rule 53

# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois 60604

Argued September 15, 2004

Decided August 15, 2006

**Before**

Hon. JOEL M. FLAUM, *Chief Judge*

Hon. JOHN L. COFFEY, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

No. 03-3176

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

RICKEY EARL BANKS,  
*Defendant-Appellant.*

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

No. 01 CR 182

Joan B. Gottschall,  
*Judge.*

## ORDER

After being convicted of possessing cocaine with the intent to distribute it, Rickey Banks was sentenced to 97 months' imprisonment. On appeal, Banks 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 district judge would have imposed a different sentence had she known that the guidelines were advisory. *See Paladino*, 401 F.3d at 483-84. She answered that she would like to reconsider Banks's sentence in light of *Booker*. Consequently, we VACATE his sentence and REMAND for resentencing.