

The district judge suggested that his decision had been influenced in part by a belief that lower sentences given to defendants in other districts create unacceptable disparity and

that the Guidelines give too much weight to prior convictions. We held in *United States v. Boscarino*, 437 F.3d 634, 638 (7th Cir. 2006), another decision released after Reyes-Sanchez was sentenced, that considerations of "disparity" do not authorize sentences below the Guideline range (because such sentences increase rather than reduce aggregate disparity). Similarly, we have held that a judge's disagreement with how either federal statutes or the Guidelines treat recidivist enhancements does not justify lower sentences. See, e.g., *United States v. Duncan*, 413 F.3d 680, 683 (7th Cir. 2005).

Although *United States v. Booker*, 543 U.S. 220 (2005), gives district judges additional discretion in sentencing, that discretion must be exercised against the background of legal rules that influence sentences; nothing in *Booker* changes the applicable substantive rules. See, e.g., *United States v. Miller*, 450 F.3d 270 (7th Cir. 2006).

The judgment of the district court is vacated, and the case is remanded for resentencing consistent with this order and the opinions cited here.