

**NONPRECEDENTIAL
DISPOSITION**

To be cited only in accordance with
Fed. R. App. P 32.1

United States Court of Appeals

**For the Seventh Circuit
Chicago, Illinois 60604**

January 4, 2007

Before

Hon. JOHN L. COFFEY, *Circuit Judge*

Hon. KENNETH F. RIPPLE, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

No. 04-2151

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

PETER R. MACARI,
Defendant-Appellant.

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

No. 03 CR 1061

Suzanne B. Conlon,
Judge.

O R D E R

The district court sentenced Peter R. Macari to 46 months' imprisonment with 36 months of the sentence to be served concurrently with a 10 year state sentence and the remaining 10 months to be served consecutively to his state sentence for conspiracy to travel interstate to promote arson and aiding and abetting travel in interstate commerce to promote arson. On limited remand under *United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005), the district judge stated that even if she had known that the Sentencing Guidelines were advisory and not mandatory, *United States v. Booker*, 543 U.S. 220 (2005), she would have imposed the same sentence (which was at the low end of the guideline range). We have

invited both parties to respond to the district court's statement, but only the government has done so. Mr. Macari has therefore shown no reason why the sentence, which is presumed reasonable under *United States v. Mykytiuk*, 415 F.3d 606 (7th Cir. 2005), should not stand, and our own review shows none.

AFFIRMED.