

NONPRECEDENTIAL DISPOSITION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**

May 29, 2007

Before

Hon. JOHN L. COFFEY, *Circuit Judge*

Hon. DANIEL A. MANION, *Circuit Judge*

Hon. MICHAEL S. KANNE, *Circuit Judge*

No. 03-2891

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

DANIEL FLORES,
Defendant-Appellant.

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

No. 01 CR 891

Charles R. Norgle, Sr.,
Judge.

O R D E R

Daniel Flores appealed his sentence of 175 months' imprisonment for distributing cocaine, 21 U.S.C. § 841(a)(1), contending, among other things, that the district court misapprehended its authority, post-*United States v. Booker*, 543 U.S. 220 (2005), to depart from the sentencing range recommended by the sentencing guidelines. Because Flores failed to raise this argument before the district court and only plain error review was available, we ordered a limited remand under *United States v. Paladino*, 401 F.3d 471 (7th Cir. 2005), so the district court could state whether it would have imposed the same sentence had it known the guidelines were advisory. See *United States v. Rodriguez & Flores*, Nos. 03-2523 & 03-2891, slip op. at 4 (7th Cir. July 15, 2006) (unpublished order). The district court since has replied in the affirmative; indeed, the fact that Flores's 175-month sentence falls below the properly calculated guidelines range of 188 to 235 months

demonstrates the court's awareness that it was not bound by the guidelines. Flores has not filed with us a challenge to the reasonableness of his sentence, and our independent review of the district court's order and the record uncovers nothing to suggest unreasonableness. *See* 18 U.S.C. § 3553(a); *United States v. Gama-Gonzalez*, 469 F.3d 1109, 1110-11 (7th Cir. 2006).

AFFIRMED.