

NONPRECEDENTIAL DISPOSITION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

April 14, 2008

Before

FRANK H. EASTERBROOK, Chief Judge

RICHARD A. POSNER, Circuit Judge

DIANE P. WOOD, Circuit Judge

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

No. 07-2393 **v.**

DANIEL PACHECO-GONZALES,
Defendant-Appellant.

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

} No. 06 CR 43
Samuel Der-Yeghiayan, *Judge.*

Order

The United States concedes that Pacheco-Gonzales has preserved on appeal a challenge to his conviction under 18 U.S.C. §924(c)(1), and that, in light of our opinion, he did not use a firearm in connection with any violent felony or drug offense that could be prosecuted in a court of the United States (as opposed to a state court). The petition for rehearing is therefore granted, and Pacheco-Gonzales's conviction under §924(c)(1) is reversed. Because this means that all convictions of both defendants have been reversed, there is no longer any occasion for a remand to the district court.