

NONPRECEDENTIAL DISPOSITION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 12, 2010

Before

RICHARD A. POSNER, *Circuit Judge*

KENNETH F. RIPPLE, *Circuit Judge*

DANIEL A. MANION, *Circuit Judge*

No. 02-3584

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

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

v.

PEDRO L. CASTILLO,
Defendant-Appellant.

No. 01 CR 567

Harry D. Leinenweber, *Judge.*

O R D E R

On December 1, 2009, the district court issued an order in which it said that it would not have imposed the same sentence, if it had known the extent of its discretion to deviate from the guidelines in crack cocaine sentences. *See Kimbrough v. United States*, 128 S. Ct. 558 (2007). It further indicated that it would be inclined to impose a lesser sentence.

Accordingly, in conformity with our order of October 7, 2008, we therefore vacate the defendant's sentence and remand for resentencing as contemplated by that order.

It is so ordered.