

NONPRECEDENTIAL DISPOSITION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

June 4, 2010

Before

FRANK H. EASTERBROOK, *Chief Judge*

DANIEL A. MANION, *Circuit Judge*

TERENCE T. EVANS, *Circuit Judge*

No. 09-3385

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

LARRY D. BILLIAN,
Defendant-Appellant.

Appeal from the United
States District Court for the
Northern District of Indiana,
Fort Wayne Division.

No. 1:08-CR-31
William C. Lee, *Judge.*

Order

Our opinion in this appeal, 600 F.3d 791 (7th Cir. 2010), concluded that Billian's conviction is valid but, after identifying an error in the Guidelines calculation, ordered a limited remand "so that the district judge can tell us whether the error in converting pounds to kilograms affected the exercise of discretion in sentencing. If the judge answers yes, we will remand for a full resentencing; if the judge answers no, we will affirm Billian's sentence." The district judge has informed us that the error did affect Billian's sentence. Therefore, although Billian's conviction is affirmed, his sentence is now vacated, and the case is remanded for resentencing. The mandate will issue immediately.