

NONPRECEDENTIAL DISPOSITION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**

Submitted June 20, 2008
Decided August 25, 2008

Before

WILLIAM J. BAUER, *Circuit Judge*

RICHARD D. CUDAHY, *Circuit Judge*

MICHAEL S. KANNE, *Circuit Judge*

Nos. 06-3522 & 06-3896

UNITED STATES OF AMERICA,
Plaintiff-Appellee, Cross-Appellant,

v.

DEBORAH AHMAD BEY,
Defendant-Appellant, Cross-Appellee.

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

No. 04 CR 950

Wayne R. Andersen,
Judge.

ORDER

In an unpublished order, we held that Deborah Ahmad Bey's three-month sentence of imprisonment for making false statements in her bankruptcy jury trial was unreasonably short, and remanded for resentencing. *United States v. Ahmad Bey*, 244 F. App'x 57, 58 (7th Cir. 2007). The Supreme Court granted Bey's petition for a writ of certiorari, vacated our judgment, and remanded the case to us for reconsideration in light of *Gall v. United States*, 128 S. Ct. 586 (2007). *See Bey v. United States*, 128 S. Ct. 2089 (2008). In *Gall*, the Supreme Court held that appellate courts may not presume sentences outside the guidelines range are unreasonable, and that we may not use a rigid formula for determining whether an out-of-guidelines sentence is justified. *Gall*, 128 S. Ct. at 594-95, 597. But we did not use either

of those approaches prior to *Gall*. See *United States v. McIlrath*, 512 F.3d 421, 426 (7th Cir. 2008). Nor did we apply either approach previously in resolving this case. Our earlier analysis is therefore unaffected by *Gall*, and our earlier order that the district judge resentence the defendant remains correct.