

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. CHRISTOPHER RAY PLOUFFE, <i>Defendant-Appellant.</i>
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No. 05-30045
D.C. No.
CR-04-00013-3-
SEH
District of Montana,
Great Falls
ORDER

Filed February 13, 2006

Before: Ronald M. Gould and Marsha S. Berzon,
Circuit Judges, and William W Schwarzer,* District Judge.

ORDER

The parties are directed to file supplemental letter briefs addressing whether the court has jurisdiction to review the reasonableness of Appellant's sentence, which is within the Guidelines range, in light of *United States v. Booker*, 543 U.S. 220 (2005); our pre-*Booker* precedent such as *United States v. Reed*, 914 F.2d 1288 (9th Cir. 1990), and *United States v. Pelayo-Bautista*, 907 F.2d 99 (9th Cir. 1990); and the holding of *Miller v. Gammie*, 335 F.3d 889, 893, 900 (9th Cir. 2003) (en banc).

The parties are directed to file simultaneous letter briefs on or before fifteen (15) days from the filed date of this order. The briefs shall not exceed fifteen (15) pages (double-spaced)

*The Honorable William W Schwarzer, Senior United States District Judge for the Northern District of California, sitting by designation.

or 4,200 words and may be in the form of letters to the clerk of this court.

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