

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 08-1302

Calvin Silva,	*	
	*	
Petitioner-Appellee,	*	
	*	Appeal from the United States
v.	*	District Court for the District
	*	of Nebraska.
Robert Houston,	*	
	*	[UNPUBLISHED]
Respondent-Appellant.	*	

Submitted: September 25, 2008
Filed: November 21, 2008

Before BYE, BEAM, and SHEPHERD, Circuit Judges.

PER CURIAM.

Robert Houston, Director of the Nebraska Department of Correctional Services, appeals the district court's¹ decision to grant Calvin Silva's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2254 and to order Silva's immediate release. Reviewing the district court's conclusions of law de novo and its factual findings for clear error, Randolph v. Kenna, 276 F.3d 401, 403 (8th Cir. 2002) (standard of review), we affirm, see 8th Cir. R. 47B.

¹The Honorable Joseph F. Bataillon, United States District Judge for the District of Nebraska.