

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

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No. 07-2350

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

ANTHONY LEGION,)	
)	
Petitioner-Appellee,)	ON APPEAL FROM THE
)	UNITED STATES DISTRICT
v.)	COURT FOR THE EASTERN
)	DISTRICT OF MICHIGAN
KENNETH T. MCKEE, Warden,)	
)	
Respondent-Appellant.)	O P I N I O N
_____)	

Before: MOORE and WHITE, Circuit Judges; and VINSON,* District Judge.

Per curiam. The issue raised in this habeas appeal has been conclusively decided by another panel of this court. *See Desai v. Booker*, 538 F.3d 424 (6th Cir. 2008). The Opinion and Order of the district court must be, and is, REVERSED on the basis of the *Desai* decision. This case is REMANDED to the district court for further proceedings.

*The Honorable C. Roger Vinson, United States District Judge for the Northern District of Florida, sitting by designation.