UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6439

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DAVID RUSSELL REYNOLDS,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:08-hc-02157-BR)

Submitted: September 18, 2009 Decided: September 30, 2009

Before KING, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Jane E. Pearce, Assistant Federal Public Defender, Diana Pereira, Research and Writing Specialist, Raleigh, North Carolina, for Appellant. George E. B. Holding, United States Attorney, David T. Huband, Special Assistant United States Attorney, Anne M. Hayes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

PER CURIAM:

David Russell Reynolds appeals the district court's order committing him to the custody of the Attorney General under 18 U.S.C. § 4246 (2006). Reynolds asserts that the district court erred in concluding that he posed a substantial risk of danger to others as a result of his mental disorder because the court based its conclusion on conjecture and speculation. We affirm.

After a hearing, the district court found by clear and convincing evidence that Reynolds "is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another." 18 U.S.C. § 4246(d). Our thorough review of the record leads us to conclude that the district court did not clearly err in finding that Reynolds met this standard. United States v. LeClair, 338 F.3d 882, 885 (8th Cir. 2003) (stating standard of review); see United States v. Robinson, 404 F.3d 850, 856 (4th Cir. 2005) (reviewing for clear error court's decision regarding defendant's competency to stand trial and citing United States v. Cox, 964 F.2d 1431, 1433 (4th Cir. 1992)); see also United States v. Harvey, 532 F.3d 326, 336-37 (4th Cir. 2008) (stating that a finding is clearly erroneous "when, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite

and firm conviction that a mistake has been committed") (internal quotation marks and citation omitted).

Accordingly, we affirm the order of the district court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED