

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6690

UNITED STATES OF AMERICA,

Petitioner - Appellee,

v.

ANDREW D. SHERADIN,

Respondent - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, Chief District Judge. (5:07-hc-02139-D)

Submitted: December 28, 2016

Decided: January 9, 2017

Before GREGORY, Chief Judge, DUNCAN, Circuit Judge, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Leza Lee Driscoll, LAW OFFICE OF LEZA LEE DRISCOLL, PLLC, Raleigh, North Carolina, for Appellant. John Stuart Bruce, United States Attorney, G. Norman Acker, III, Michael D. Bredenberg, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andrew D. Sheradin appeals the district court's order revoking his conditional release and remanding him to the custody of the Attorney General pursuant to 18 U.S.C. § 4248 (2012). At the hearing, Sheradin admitted to committing the named violations of his conditional release: not engaging or participating in any online computer service in which explicit content is discussed and not possessing any pornographic or sexually explicit visual or auditory materials. After hearing from both parties and expressly stating that it had considered the entire record in this case, the court found by clear and convincing evidence that Sheradin violated the conditions of his release and that the Government met its burden of proving that Sheradin "is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment," consistent with 18 U.S.C. § 4248(f). Sheradin now appeals, challenging the court's finding of sexual dangerousness.

When, as here, a district court is asked to revoke an individual's conditional release granted pursuant to 18 U.S.C. § 4248(e), it must hold a hearing to

determine whether the [individual in question] should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of

medical, psychiatric, or psychological care or treatment.

18 U.S.C. § 4248(f).

We have thoroughly reviewed the parties' briefs and the materials submitted in the joint appendix and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Sheradin, No. 5:07-hc-02139-D (E.D.N.C. May 12, 2016). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED