

United States Court of Appeals  
For the Eighth Circuit

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No. 17-1088

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United States of America

*Plaintiff - Appellee*

v.

Joaquin Irwin Foy

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Springfield

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Submitted: August 3, 2017

Filed: August 10, 2017

[Unpublished]

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Before GRUENDER, BOWMAN, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Joaquin Foy was civilly committed under 18 U.S.C. § 4246 in 2007, and he appeals from the judgment of the District Court,<sup>1</sup> entered after a hearing, denying his

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<sup>1</sup>The Honorable Douglas Harpool, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable David P. Rush, United States Magistrate Judge for the Western District of Missouri.

motion for conditional discharge under 18 U.S.C. § 4247(h). We conclude that the District Court did not clearly err in denying the motion. See United States v. LeClair, 338 F.3d 882, 885 (8th Cir.) (standard of review), cert. denied, 540 U.S. 1025 (2003). The mental health experts associated with the Federal Medical Center in Rochester, Minnesota, where Foy is currently confined, testified that Foy's unconditional discharge would be dangerous in light of his longstanding, severe mental illness and his lack of insight; his recent history of threatening violence; and his statements that he did not wish to be released with conditions and would not take prescribed medication if released without conditions. Accordingly, we affirm the judgment of the District Court, and we grant counsel's motion to withdraw.

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