

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4261

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KEVIN SEAN POLK,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:06-hc-02182-BR)

Submitted: October 26, 2007

Decided: November 14, 2007

Before MICHAEL and TRAXLER, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Krysia Carmel Nelson, NELSON & TUCKER, PLC, Charlottesville, Virginia, for Appellant. Rudolf A. Renfer, Jr., Assistant United States Attorney, Raleigh, North Carolina; David Thomas Huband, BUREAU OF PRISONS, Butner, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Sean Polk appeals the district court's order committing him to the custody of the Attorney General under 18 U.S.C. § 4246 (2000). Polk's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising two issues but stating that, in her view, there are no meritorious grounds for appeal. Counsel questions whether the district court erred in concluding that Polk posed a substantial risk of danger to others as a result of his mental disorder and whether the court properly declined to address the argument that Polk should not be civilly committed when there was a possibility that he would not receive medication for an indefinite period due to his refusal to accept it. Polk has filed a pro se supplemental brief.* We affirm.

After a hearing, the district court found by clear and convincing evidence that Polk "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) (2000). Our thorough review of the record leads us to conclude that the district court did not clearly err in finding that Polk met this standard. See United States v. Robinson, 404 F.3d 850, 856 (4th Cir. 2005) (stating standard of review, citing United States v.

*We have carefully reviewed the claims raised in the pro se supplemental brief and find them to be without merit.

Cox, 964 F.2d 1431, 1433 (4th Cir. 1992)); see also United States v. Dugger, 485 F.3d 236, 239 (4th Cir. 2007) ("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 grant counsel's motion to withdraw and deny Polk's motions to mediate, for the appointment of a special master, and for nonfrivolity. 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