

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7452

UNITED STATES OF AMERICA,

Petitioner - Appellee,

v.

TIMOTHY NEWSOME,

Respondent - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:07-hc-02031-BR)

Submitted: April 30, 2008

Decided: May 27, 2008

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.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, Anne M. Hayes, Assistant United States Attorney, David T. Huband, Special Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy Newsome appeals the district court's order committing him to the custody of the Attorney General pursuant to 18 U.S.C. § 4246 (2000). To hospitalize an inmate due for release but suffering from mental disease or defect, "the court must find both: 1) that he is suffering from a mental disease or defect, and 2) that as a result of his mental disease, his release would create a substantial risk of harm to another or the property of another." United States v. Cox, 964 F.2d 1431, 1433 (4th Cir. 1992). The medical professionals who evaluated Newsome unanimously concluded he suffers from schizophrenia and a cognitive disorder. Newsome engaged in a pattern of increasingly aggressive behavior, including an unprovoked assault of an elderly inmate and threatening to harm or kill medical staff and inmates. Based on our review of the record, the district court did not clearly err in its determination. Accordingly, we affirm the judgment 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