

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6527

UNITED STATES OF AMERICA,

Petitioner - Appellee,

v.

KEVIN SEAN POLK,

Respondent - Appellant.

No. 08-6823

UNITED STATES OF AMERICA,

Petitioner - Appellee,

v.

KEVIN SEAN POLK,

Respondent - Appellant.

Appeals 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 24, 2008

Decided: November 13, 2008

Before MICHAEL, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James B. Craven, III, Durham, North Carolina, for Appellant.
Rudolf A. Renfer, Jr., Assistant United States Attorney,
Michelle T. Fuseyamore, Raleigh, North Carolina; David T.
Huband, BUREAU OF PRISONS, Butner, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In each of these consolidated appeals, Kevin Sean Polk appeals the district court's April 7, 2008 order continuing his civil commitment to the custody of the Attorney General under 18 U.S.C. § 4246 (2006). In Appeal No. 08-6527, Polk's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising one issue but stating that, in his 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. Polk has filed a pro se supplemental informal brief in each appeal.* We affirm.

After a hearing, the district court found by clear and convincing evidence that Polk "continues to suffer 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." (J.A. at 33). Our thorough review of the record leads us to conclude that the district court did not clearly err in finding that continued civil commitment was warranted. See United States v. Robinson, 404 F.3d 850, 856 (4th Cir. 2005) (providing standards).

* We have reviewed carefully the issues raised in the pro se supplemental informal briefs and find them to be without merit.

Accordingly, we affirm the order of the district court. We deny counsel's motion to withdraw and 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