

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6213

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DUSTIN ALAN HILL,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:09-hc-02069-BR)

Submitted: September 20, 2010

Decided: November 4, 2010

Before KING, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Jane E. Pearce, Assistant Federal Public Defender, Susan Umstead, Research and Writing Attorney, Raleigh, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Jennifer P. May-Parker, 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Unpublished opinions are not binding precedent in this circuit.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:

Dustin Hill appeals the district court's order finding that he continues to satisfy the criteria for commitment set forth at 18 U.S.C. § 4246(a) (2006) and continuing his commitment to the custody of the Attorney General. We affirm.

At a hearing, Dr. Jill Grant, a clinical psychologist at FMC-Butner, testified that Hill suffers from disorganized type of schizophrenia. Evaluators also gave Hill a "rule-out" diagnosis of schizo-affective disorder, bipolar type, "based on his symptoms of mania, hypomania, and depressive episodes throughout the years." Dr. Holly Rogers, an independent evaluator, concurred that Hill suffers from disorganized schizophrenia. She testified that Hill's psychiatric illness is only partially controlled with medication and that his poor judgment and poor impulse control increase the likelihood of future dangerousness. Dr. Rogers agreed with Dr. Grant that Hill satisfies the criteria for continued commitment set forth in § 4246. Based on this testimony and other evidence of record, including a forensic update, the district court found by clear and convincing evidence that Hill meets the criteria for commitment. The court ordered that Hill's commitment continue.

After reviewing the record, we conclude that the district court did not clearly err in its determination that Hill presently suffers "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." See 18 U.S.C. § 4246(a); United States v. Cox, 964 F.2d 1431, 1433 (4th Cir. 1992) (stating standard of review). We accordingly affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not significantly aid the decisional process.

AFFIRMED