

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-7149

UNITED STATES OF AMERICA,

Petitioner - Appellee,

v.

JEREMY E. DURKIN,

Respondent - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at
Raleigh. Malcolm J. Howard, Senior District Judge. (5:18-hc-02279-H)

Submitted: May 18, 2020

Decided: May 29, 2020

Before KEENAN and WYNN, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

William Michael Dowling, BROOKS, PIERCE, MCLENDON, HUMPHREY &
LEONARD, Raleigh, North Carolina, for Appellant. Michael Lockridge, Special Assistant
United States Attorney, Joshua Bryan Royster, OFFICE OF THE UNITED STATES
ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeremy E. Durkin appeals the district court's order civilly committing him as a sexually dangerous person pursuant to the Adam Walsh Child Protection and Safety Act of 2006, 18 U.S.C. §§ 4247-4248 (2018). Counsel for Durkin has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal, but questioning whether the district court erred in concluding that, as a result of his serious mental illness, abnormality, or disorder, Durkin would have serious difficulty in refraining from sexually violent conduct or child molestation if released. Durkin has filed a pro se supplemental brief also challenging the district court's determination of future difficulty refraining from such conduct. The Government declined to file a brief. We affirm.

“[W]e review the district court's factual findings for clear error and its legal conclusions de novo.” *United States v. Bolander*, 722 F.3d 199, 206 (4th Cir. 2013). Durkin acknowledged during trial that he had previously committed an act of sexually violent conduct or child molestation, and all experts—including Durkin's expert—testified that he suffers from a serious mental illness, abnormality, or disorder. We have thoroughly reviewed the record, and we conclude that the district court did not clearly err in finding that, as a result of his serious mental illness, abnormality, or disorder, Durkin would have serious difficulty refraining from sexually violent conduct or child molestation if released

from incarceration.* *See United States v. Wooden*, 693 F.3d 440, 462 (4th Cir. 2012) (setting forth factors courts consider in making such determination); *see also Bolander*, 722 F.3d at 207 (stating that, when court’s determination “is based on [its] decision to credit the testimony of one of two or more witnesses, each of whom has told a coherent and facially plausible story that is not contradicted by extrinsic evidence, that finding, if not internally inconsistent, can virtually never be clear error” (internal quotation marks omitted)).

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious grounds for appeal. We therefore affirm the district court’s judgment. This court requires that counsel inform Durkin, in writing, of the right to petition the Supreme Court of the United States for further review. If Durkin requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel’s motion must state that a copy thereof was served on Durkin. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

* Child molestation is defined as “any unlawful conduct of a sexual nature with, or sexual exploitation of, a person under the age of 18.” 28 C.F.R. § 549.93 (2019).