

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4164

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LUIS ALBERTO RENDON-ROMERO, a/k/a Louis Alberto Rendon-Romero,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, District Judge. (5:21-cr-00436-D-1)

Submitted: April 25, 2023

Decided: May 31, 2023

Before QUATTLEBAUM and HEYTENS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: G. Alan DuBois, Federal Public Defender, Jennifer C. Leisten, Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Raleigh, North Carolina, for Appellant. Michael F. Easley, Jr., United States Attorney, David A. Bragdon, Assistant United States Attorney, Gabriel J. Diaz, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Luis Alberto Rendon-Romero pleaded guilty to illegal reentry by an alien who has been removed from the United States, in violation of 8 U.S.C. § 1326(a), (b)(1). Before Rendon-Romero could be sentenced, the district court granted counsel's motion for a competency evaluation pursuant to 18 U.S.C. § 4241(a), (b), in order to determine whether he was competent to understand the nature and consequences of the sentencing proceeding. On December 21, 2022, the district court granted counsel's consent motion for treatment in a competency restoration program, pursuant to 18 U.S.C. § 4241(d). The court ordered that Rendon-Romero be committed to the custody of the Attorney General for treatment in a competency restoration program. On February 1, 2023, counsel moved to require the Attorney General to determine competency within four months of the court's December 21, 2022, order or begin competency restoration within three months of that order. The district court granted the motion insofar as it ordered the Attorney General to admit Rendon-Romero for competency restoration treatment no later than June 26, 2023. Rendon-Romero appeals.

We have reviewed the record, the parties' arguments, and the district court's order and conclude that the court did not abuse its discretion in granting Rendon-Romero's motion but declining to order that he be immediately admitted for competency restoration treatment. Accordingly, we affirm. We deny as moot Rendon-Romero's motion to expedite the decision. 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