

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 18-1034

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United States of America

*Plaintiff - Appellee*

v.

Reginald Klaiber

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Springfield

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Submitted: August 28, 2018

Filed: August 31, 2018

[Unpublished]

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Before WOLLMAN, GRUENDER, and GRASZ, Circuit Judges.

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PER CURIAM.



Reginald Klaiber appeals the district court's<sup>1</sup> order committing him under 18 U.S.C. § 4245 to the custody of the Attorney General for hospital care and treatment until he no longer needs treatment or his prison sentence expires, whichever occurs first. Upon careful review of the record, including the reports of two examining psychologists who opined that Klaiber met the criteria for commitment, we conclude the district court's section 4245 finding was supported by a preponderance of the evidence, and was not clearly erroneous. See 18 U.S.C. § 4245(d) (determination of mental illness and treatment need, and burden of proof); United States v. Bean, 373 F.3d 877, 879 (8th Cir. 2004) (standard of review). The judgment of the district court is affirmed, and counsel's motion to withdraw is granted.

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<sup>1</sup>The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable David P. Rush, United States Magistrate Judge for the Western District of Missouri.