

United States Court of Appeals
For the Eighth Circuit

No. 18-2462

United States of America

Plaintiff - Appellee

v.

Abdifatah Suleiman

Defendant - Appellant

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

Submitted: February 22, 2019

Filed: March 1, 2019

[Unpublished]

Before GRUENDER, BOWMAN, and STRAS, Circuit Judges.

PER CURIAM.

Abdifatah Suleiman appeals the district court's¹ order committing him under 18 U.S.C. § 4246 to the custody of the Attorney General for hospitalization after finding that he was suffering from a mental disease or defect such that his release would create a substantial risk of bodily injury to another person or serious damage to the property of another. *See* 18 U.S.C. § 4246.

After careful review of the factual determinations underlying the district court's commitment decision for clear error, we affirm. *See United States v. Williams*, 299 F.3d 673, 676 (8th Cir. 2002). The commitment order is supported by medical opinions set forth in reports prepared by mental health professionals where Suleiman is presently confined for treatment and by defense counsel's independent psychological examiner. The reports noted that Suleiman lacked insight into his medical condition, had irregular medication compliance, and engaged in psychotic and aggressive behaviors when released. Furthermore, the reports attributed Suleiman's pattern of violating his terms of supervised release and engaging in aggressive conduct to his medication noncompliance. *See United States v. Ecker*, 30 F.3d 966, 970 (8th Cir. 1994) (listing suggested factors in determining potential dangerousness). We note that the Attorney General is under a continuing obligation to exert reasonable efforts to place Suleiman in a suitable state facility, and that his custodians must prepare annual reports concerning his mental condition and the need for continued commitment. *See* 18 U.S.C. §§ 4246(d) and 4247(e)(1)(B).

The judgment is affirmed, and counsel's motion to withdraw is granted.

¹The 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.