

United States Court of Appeals
For the Eighth Circuit

No. 19-1135

United States of America

Plaintiff - Appellee

v.

Mario Holmes

Defendant - Appellant

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

Submitted: October 22, 2019

Filed: October 31, 2019

[Unpublished]

Before GRUENDER, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Mario Holmes appeals the district court's¹ order revoking a grant of conditional release. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Holmes was initially civilly committed under 18 U.S.C. § 4246 in 2016. In February 2018, the district court granted the government's motion for conditional release under 18 U.S.C. § 4246(e)(2), and imposed eight conditions, including that he not commit a new crime. Holmes was subsequently conditionally released, and in July, the government filed a "Notice of Violation and Request for Warrant," requesting his arrest and confinement. The Notice included allegations that Holmes had robbed a bank.

After careful review of the record, this court concludes the evidence developed during the revocation proceedings supports the district court's determination that revocation and recommitment were warranted. *See* 18 U.S.C. § 4246(f); *United States v. Franklin*, 435 F.3d 885, 889-90 (8th Cir. 2006).

The judgment is affirmed. 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.