

United States Court of Appeals
For the Eighth Circuit

No. 20-3202

United States of America

Petitioner - Appellee

v.

Gordon Franklin, Jr.

Respondent - Appellant

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

Submitted: September 24, 2021

Filed: November 4, 2021

[Unpublished]

Before COLLOTON, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

Gordon Franklin, civilly committed pursuant to 18 U.S.C. § 4246 since 1991, appeals the district court's¹ order revoking his most recent grant of conditional

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.

release. We conclude that the evidence developed during the revocation proceedings supports the district court's findings that Franklin failed to comply with his prescribed regimen of psychiatric care, and that his continued release would therefore create a substantial risk of bodily injury to another person, or serious damage to the property of another. *See* 18 U.S.C. § 4246(f); *Sealed Appellee v. Sealed Appellant*, 665 F.3d 620, 622-23 (5th Cir. 2011) (applying preponderance-of-evidence standard to § 4246(f) revocation). We also conclude that an updated risk assessment report was unnecessary for the district court to make its determination. *See United States v. Spann*, 984 F.3d 711, 714-15 (8th Cir. 2021) (stating that an updated risk assessment report was unnecessary for district court to determine that an individual presented a risk of harm to others and revoke the individual's release). Accordingly, we affirm. *See* 8th Cir. R. 47B.
