

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

BRENT REED,)
)
Petitioner,)
)
vs.) No. 09-3246-CV-S-RED-H
)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined at the United States Medical Center for Federal Prisoners, has petitioned this Court for a writ of habeas corpus. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it will be recommended that leave to proceed in forma pauperis be denied.

As grounds for relief in habeas corpus, the petitioner asserts that he is unlawfully committed pursuant to 18 U.S.C. §4246, as he was denied due process, does not suffer from a mental disease, is not dangerous, and his commitment under 4241(d) was only valid for four months. After a Show Cause Order was entered, the United States filed its response. Counsel for petitioner filed a Motion to Withdraw. Thereafter, petitioner was granted an opportunity to file a pro se traverse.

A review of the files and records in this case, and in *United States v. Reed*, Case No. 08-3210-CV-S-RED, establish that the petitioner was committed to the United States Medical Center for Federal Prisoners for evaluation under 18 U.S.C. § 4246 from the United States District Court for the Eastern District of Louisiana. Thereafter, a petition was filed in the United States District Court for the Western District of Missouri. The defendant was evaluated by forensic staff at the

Medical Center, as well as an independent clinical psychologist. After a hearing before the magistrate judge, the defendant was ordered committed under §4246 by the United States District Court for the Western District of Missouri. That commitment was affirmed by the United States Court of Appeals for the Eighth Circuit on March 30, 2009.

Petitioner's allegations that he was improperly committed are clearly without merit. He was afforded an independent evaluation, a hearing, and the right to appeal.

Counsel for the petitioner has filed a Motion to Withdraw. Because there are no issues presented for which relief is appropriate, the motion is granted.¹

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.

/s/ James C. England

**JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE**

Date: November 3, 2009

¹ Petitioner has 10 days to file exceptions to the Report and Recommendation of the United States Magistrate Judge.