

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK MABRY,

Defendant.

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Case No. 6:13-cv-03084-MDH

ORDER

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, the petition herein for determination of defendant’s mental condition, pursuant to 18 U.S.C. § 4245, was referred to the United States Magistrate Judge for preliminary review under § 636(b), Title 28, United States Code.

The United States Magistrate Judge has completed his preliminary review of the petition for determination of defendant’s mental condition and has submitted a report and recommendation [Doc. # 12]. The time for filing objections has expired and no objections have been made.

After careful review of the records and files in this matter, the Court adopts the findings and recommendations of the United States Magistrate Judge as set forth in Document # 12. The expert opinions establish by a preponderance of the evidence that the defendant suffers from a mental disease or defect, and is in need of care and treatment in a suitable facility. *See* 18 U.S.C. § 4245.

It is **THEREFORE ORDERED** that the report and recommendation of the United States Magistrate Judge is **ADOPTED**.

It is **FURTHER ORDERED** that defendant be, and is hereby, committed to the custody of the Attorney General for hospital care and treatment in a suitable facility until defendant is no longer in need of care and treatment in such a facility, or until the expiration of his sentence of imprisonment, whichever occurs earlier.

IT IS SO ORDERED.

DATED: May 13, 2014

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE