

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 99-3094

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United States of America,

Appellee,

v.

Joaquin I. Foy,

Appellant.

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\* Appeal from the United States  
\* District Court for the  
\* Western District of Missouri.  
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\* [UNPUBLISHED]  
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Submitted: August 4, 2000

Filed: August 9, 2000

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Before BEAM, HEANEY, and HANSEN, Circuit Judges.

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PER CURIAM.

Joaquin I. Foy, who is confined at the United States Medical Center for Federal Prisoners at Springfield, Missouri, and who remains untried on a 1997 charge, appeals the district court's<sup>1</sup> judgment entered after a hearing on the government's petition to determine Foy's mental condition. Having reviewed counsel's brief filed pursuant to Anders v. California, 386 U.S. 738 (1967), as well as Foy's two pro se supplemental briefs, we affirm as not clearly erroneous the district court's finding that clear and

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<sup>1</sup>The Honorable Russell G. Clark, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable James C. England, United States Magistrate Judge for the Western District of Missouri.

convincing evidence established Foy's commitment under 18 U.S.C. § 4246 was appropriate. See United States v. Steil, 916 F.2d 485, 488 (8th Cir. 1990). Having also reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues for appeal and therefore grant counsel's motion to withdraw. The judgment of the district court is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.