

United States Court of Appeals
For the Eighth Circuit

No. 18-2963

United States of America

Plaintiff - Appellee

v.

Andrew Wolters

Defendant - Appellant

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

Submitted: October 04, 2019
Filed: October 11, 2019
[Unpublished]

Before GRUENDER, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Andrew Wolters appeals the district court's¹ order committing him to the custody of the Attorney General for hospitalization and care or treatment under 18 U.S.C. § 4245. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Upon careful review of the record, including the psychological evaluations of a mental health professional where Wolters is presently confined for treatment, and of defense counsel's independent psychological examiner, this court concludes that the district court did not abuse its discretion in denying Wolters a continuance to obtain a second independent psychological evaluation. *See Vasquez v. Colores*, 648 F.3d 648, 652 (8th Cir. 2011) (standard of review). The court's section 4245 finding was supported by a preponderance of the evidence, and was not clearly erroneous. *See* 18 U.S.C. § 4245(d) (burden of proof); *United States v. Bean*, 373 F.3d 877, 879 (8th Cir. 2004) (standard of review). Wolters's pro se arguments offer no basis for relief. This court notes that Wolters's custodians must prepare annual reports concerning his mental condition and the need for continued commitment. *See* 18 U.S.C. § 4247(e)(1)(B).

The judgment is affirmed, and counsel's motion to withdraw is granted. Wolters's pro se motion to unseal the brief, addendum, and appendix filed in this matter is granted.

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri, adopting the report and recommendation of the Honorable David P. Rush, United States Magistrate Judge for the Western District of Missouri.