

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1475

United States of America,

Appellee,

v.

Kevin Parham,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: March 26, 2008

Filed: March 31, 2008

Before BYE, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

Federal inmate Kevin Parham appeals the district court's¹ order committing him under 18 U.S.C. § 4245, which provides for the hospitalization of an imprisoned person suffering from a mental disease or defect, until he no longer needs treatment or his prison sentence expires, whichever occurs first. Following careful review, we conclude that the district court's section 4245 finding was not clearly erroneous given

¹The Honorable Richard E. Dorr, 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.

the unanimous opinion of the mental health professionals, and Parham's reported delusions and his past aggressive behavior. See 18 U.S.C. § 4245(d) (determination of mental illness and treatment need, and burden of proof); United States v. Bean, 373 F.3d 877, 879 (8th Cir. 2004) (standard of review); United States v. Eckerson, 299 F.3d 913, 914-15 (8th Cir. 2002) (per curiam) (upholding commitment order based on opinion of prison hospital staff, despite inmate's denial of mental illness).

Accordingly, we affirm the judgment of the district court and grant counsel's motion to withdraw.
