

United States Court of Appeals
For the Eighth Circuit

No. 19-3588

United States of America

Plaintiff - Appellee

v.

John Stone

Defendant - Appellant

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

Submitted: September 15, 2021

Filed: September 20, 2021

[Unpublished]

Before LOKEN, BENTON, and KOBES, Circuit Judges.

PER CURIAM.

John Stone appeals the district court's¹ order revoking a grant of conditional release. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

¹The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the

Stone was initially civilly committed under 18 U.S.C. § 4246 in 2012. In October 2018, the district court granted him conditional release under section 4246(e)(2), and imposed conditions, including that he refrain from committing a new crime or using alcohol. In March 2019, the government filed a notice of violation, and subsequent motion for revocation of conditional release under section 4246(f), alleging that Stone had violated the conditions of his release by using alcohol and committing the crime of disarming a police officer.

After careful review of the record, this court concludes that Stone's statutory and constitutional arguments relating to the denial of his request to obtain an independent mental examination prior to the revocation of his conditional release are foreclosed by this court's precedent. *See United States v. Spann*, 984 F.3d 711 (8th Cir. 2021), *cert. denied*, 209 L. Ed. 2d 769 (May 17, 2021); *see also United States v. O'Laughlin*, 934 F.3d 840, 841 (8th Cir. 2019) (de novo review). To the extent Stone also challenges the propriety of the revocation on evidentiary grounds, this court concludes the evidence developed during the revocation proceedings supports the district court's determination that conditional release should be revoked. *See United States v. Franklin*, 435 F.3d 885, 889-90 (8th Cir. 2006).

The judgment is affirmed.

Honorable David P. Rush, United States Magistrate Judge for the Western District of Missouri.