

United States Court of Appeals
For the Eighth Circuit

No. 24-2377

United States of America

Plaintiff - Appellee

v.

Augustin Gonzalez

Defendant - Appellant

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

Submitted: April 10, 2025

Filed: April 23, 2025

[Unpublished]

Before BENTON, SHEPHERD, and GRASZ, Circuit Judges.

PER CURIAM.

Augustin Gonzalez appeals the district court's¹ order committing him to the custody of the Attorney General for hospitalization and treatment pursuant to 18 U.S.C. § 4246, which authorizes commitment when a person who is due for release suffers from a mental disease or defect such that his release would create a substantial risk of bodily injury or serious damage to property. Gonzalez's counsel has moved to withdraw.

We conclude the commitment decision was not clearly erroneous, see United States v. Williams, 299 F.3d 673, 676-78 (8th Cir. 2002) (standard of review), as it is supported by medical opinions set forth in reports prepared by mental health professionals where Gonzalez was confined for treatment, and by defense counsel's independent psychological examiner. The concurring expert reports established that Gonzalez has a mental disease or defect; that his pattern of dangerous behavior is related to his mental conditions; and that hospitalization is warranted, as he has little insight into his condition, and he likely would refuse treatment if released. See United States v. Ecker, 30 F.3d 966, 970 (8th Cir. 1994) (listing factors used in determining potential dangerousness).

We note that the Attorney General is under a continuing obligation to exert reasonable efforts to place Gonzalez in a suitable state facility, and that his custodians must prepare annual reports concerning his mental condition and the need for continued commitment. See 18 U.S.C. §§ 4246(d) and 4247(e)(1)(B).

Accordingly, we grant counsel's motion to withdraw, and affirm.

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