

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

Case No. 8:18-cr-344-VMC-AAS

MATTHEW DARIUS CHAPPELL

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ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Amanda Arnold Sansone's Report and Recommendation (Doc. # 184), entered on January 11, 2023, recommending that the United States of America's Motion to Further Remand the Defendant to the Custody of the Attorney General for an Evaluation pursuant to 18 U.S.C. § 4246 (Doc. # 176) be denied and the Court refer the matter back to Judge Sansone to reopen Mr. Chappell's bond hearing.

Specifically, Judge Sansone concludes that "[b]ecause neither the Butner director nor any other facility director has forwarded to this Court a certificate on Mr. Chappell's dangerousness prior to the Court finding Mr. Chappell not competent to stand trial, this Court is without jurisdiction under the IDRA to temporarily remand Mr. Chappell to Butner for purposes of a dangerousness evaluation or otherwise

detain him pursuant to the competency proceedings.” (Id. at 16).

As of this date, neither party has filed an objection to the Report and Recommendation, and the time for the parties to file such objections has elapsed.

Discussion

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendation. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff’d, 28 F.3d 116 (11th Cir. 1994).

After conducting a careful and complete review of the findings, conclusions, and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual

findings and legal conclusions of the Magistrate Judge in full.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 184) is **ACCEPTED** and **ADOPTED**.
- (2) The United States of America's Motion to Further Remand the Defendant to the Custody of the Attorney General for an Evaluation pursuant to 18 U.S.C. § 4246 (Doc. # 176) is **DENIED**.
- (3) The Court refers this matter back to Judge Sansone to reopen Mr. Chappell's bond hearing.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 26th day of January, 2023.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE