

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO: 6:22-cr-201-WWB-LHP

EVAN EDWARDS

REPORT AND RECOMMENDATION

TO THE UNITED STATES DISTRICT COURT:

This case comes before the Court following extensive competency proceedings under 18 U.S.C. §§ 4241 and 4247. On November 1, 2024, the undersigned found Defendant Evan Edwards to be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, that his mental condition has not so improved as to permit proceedings in this case to go forward, and that the chances his competency will be restored in the foreseeable future are low. Doc. Nos. 235, 238. *See also* 18 U.S.C. § 4241(d). The question of whether the assessment and commitment proceedings under 18 U.S.C. § 4246 apply to Evan Edwards remains outstanding, and the undersigned directed the parties to file legal memoranda on the issue. Doc. No. 239.

The parties have timely submitted their legal memoranda (Doc. Nos. 240-41), and upon review of same as well as the record and specific facts of this case and applicable persuasive legal authority, the undersigned will **RESPECTFULLY RECOMMEND** that the Court decline to order any further proceedings under 18 U.S.C. § 4246.

I. BACKGROUND

The lengthy procedural history of this case is set forth in prior Court orders, *see* Doc. Nos. 117, 136, 145, 190, 226, 238, and is incorporated herein. On December 7, 2022, a grand jury returned an indictment charging Evan Edwards with one count of conspiracy to commit bank fraud, one count of bank fraud, and two counts of visa fraud, in violation of 18 U.S.C. § 1349, 18 U.S.C. § 1344, and 18 U.S.C. § 1546(a), respectively. Doc. No. 1. Evan Edwards was arrested on December 14, 2022 and since that time, issues regarding his competency to proceed have dominated this case. *See, e.g.,* Doc. Nos. 9, 14, 21, 50, 84-85, 117, 136, 145, 152, 154, 190, 226, 238.

Initially, two experts - Dr. Ryan C.W. Hall, M.D., DFAPA, and Dr. Miriam Kissin, Psy. D. - opined that Evan Edwards was incompetent to proceed. *See* Doc. Nos. 58, 98 (both sealed). Accordingly, after following the procedures set forth in 18 U.S.C. § 4142(a), the Court found Evan Edwards incompetent to stand trial as defined by 18 U.S.C. § 4241(d) and committed him to the custody of the Attorney General for restoration evaluation and treatment. Doc. No. 136; *see also* Doc. No.

117. At the conclusion of the restoration process, Dr. Chad Brinkley, Ph.D., ABPP, a board-certified forensic psychologist employed by the Bureau of Prisons (“BOP”) opined that Evan Edwards was incompetent to proceed, and that he was unlikely to become competent in the foreseeable future. Doc. No. 228 (sealed). An additional expert retained by the United States – forensic neurologist Dr. Ryan Darby, M.D. – reviewed all available records and reports and concurred that Evan Edwards was incompetent, and that his chances of restoration in the foreseeable future were low. Doc. No. 237 (sealed). No party objected to any of the opinions from these experts.

The undersigned thereafter held a hearing with counsel for the parties on November 1, 2024. Doc. No. 238. The undersigned engaged in a discussion with the parties concerning the next steps in this case, and also reviewed a status report filed by the United States on October 29, 2024. Doc. Nos. 234-35. Both parties agreed that Evan Edwards was incompetent to stand trial, and that his competency was unlikely to be restored in the foreseeable future. *Id.* Both parties also agreed that Evan Edwards was now eligible for pretrial release, and agreed to the undersigned ordering his immediate release pursuant to certain pretrial conditions. *Id.* And the parties agreed that the provisions of 18 U.S.C. § 4248, which address civil commitment of a sexually dangerous person, do not apply in this case. The only point of contention was whether the assessment and commitment provisions

of 18 U.S.C. § 4246, which address civil commitment proceedings to determine dangerousness, were mandatory and if so, how they would apply in this case. *Id.*

At the conclusion of the November 1, 2024 hearing, the undersigned found Defendant Evan Edwards to be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, that his mental condition has not so improved as to permit proceedings in this case to go forward, and that the chances his competency will be restored in the foreseeable future are low. Doc. No. 238. The undersigned further ordered Evan Edwards' release on the same conditions previously established (Doc. No. 114) and appointed Mary Jane Edwards and Joy Edwards as joint third-party custodians. Doc. No. 238, at 5-6. Evan Edwards remains on pretrial release without any reported issues as of the date of this report and recommendation. With respect to the applicability of 18 U.S.C. § 4246, the undersigned directed the parties to submit briefing on whether the provisions of 18 U.S.C. § 4246 – in particular the dangerousness assessment by the Bureau of Prisons and issuance of a certification on same – are mandatory or may be waived given the specific facts and circumstances of this case. Doc. No. 238, at 4; Doc. No. 239.

The parties have timely-filed their legal memoranda. Doc. Nos. 240-41. Neither side is requesting that the Court remand Evan Edwards to the Bureau of

Prisons for any further assessments or proceedings under 18 U.S.C. § 4246, however both sides agree that the applicable legal authority and statutory text is less than clear. *Id.* For the reasons discussed below, the undersigned will recommend that further proceedings under 18 U.S.C. § 4246 are not appropriate in this case for two alternative reasons: (1) the Court does not have jurisdiction to order any further proceedings; and (2) if jurisdiction does exist, that the Court exercise its discretion not to order any further proceedings given the specific facts and procedural history of this case.

II. ANALYSIS

Section 4241(d) of the Insanity Defense Reform Act (“IDRA”) provides as follows:

(d) Determination and disposition.--If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility –

(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward; and

(2) for an additional reasonable period of time until –

(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such

additional period of time he will attain the capacity to permit the proceedings to go forward; or

(B) the pending charges against him are disposed of according to law;

whichever is earlier.

If, at the end of the time period specified, it is determined that the defendant's mental condition has not so improved as to permit the proceedings to go forward, the defendant is *subject to* the provisions of sections 4246 and 4248.

18 U.S.C. § 4241(d) (emphasis added).

Section 4248 concerns the civil commitment of a "sexually dangerous person," and all parties agree that § 4248 does not apply in this case. 18 U.S.C. § 4248(a). Section 4246 also concerns civil commitment, and provides, in relevant part, as follows:

If the director of a facility in which a person is hospitalized certifies that a person . . . who has been committed to the custody of the Attorney General pursuant to section 4241(d) . . . is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available, he shall transmit the certificate to the clerk of the court for the district in which the person is confined . . . [and t]he court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another.

18 U.S.C. § 4246(a) (emphasis added).

The United States recognizes that the statutory interplay between 18 U.S.C.

§§ 4241 and 4246 “is less than clear,” and that “some question of jurisdiction” exists as to whether and when a court can initiate proceedings under § 4246. *See* Doc. No. 234, at 10-11; Doc. No. 240, at 9-12. The United States also states that it is unaware of any legal authority mandating either the Court or the Bureau of Prisons to issue a § 4246(a) certification or conduct a dangerousness hearing. Doc. No. 240, at 12. Despite this lack of clarity, the United States argues that the Court should determine if the facts and circumstances of this case warrant a dangerousness assessment, and if so, refer Evan Edwards to the Bureau of Prisons for such an assessment. Doc. No. 234, at 12; *see also* Doc. No. 240, at 11 (stating the Court had jurisdiction or authority to make such a determination at the November 1, 2024 hearing). The United States further states that it will not object to any determination the Court makes. Doc. No. 234, at 2.

Evan Edwards does not address in his post-hearing briefing the jurisdictional issues or the lack of clarity in the applicable statutory scheme. Doc. No. 241. Instead, Evan Edwards argues that “given the patent severity of [his] physical and cognitive limitations,” it is clear that Evan Edwards is not a danger to another person or to the property of another, and therefore any further proceedings under § 4246 “would lead to an absurdity,” and “only result in delaying . . . an inevitable and unavoidable result.” *Id.*, at 6-7. But before the undersigned can address Evan Edwards’ concerns, the undersigned must first consider the jurisdictional

implications noted by the United States.

A. *The Court's Jurisdiction*

“Federal courts are courts of limited jurisdiction.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). Thus, the court only possesses the jurisdictional authority “authorized by [the] Constitution and statute.” *Id.* (citation omitted). Upon consideration of the plain text of both §§ 4241 and 4246, the undersigned finds that the Court is without jurisdiction to order any further dangerousness assessments in this case.

The undersigned first notes that there is nothing in § 4241(d) that mandates a referral for a dangerousness assessment. Instead, the statute merely provides that an incompetent defendant is “subject to” § 4246, without defining the phrase “subject to.”

The language of § 4246 also does not make referral for a dangerousness assessment mandatory in all cases where a defendant is found incompetent to stand trial. Rather, § 4246(a) provides that a dangerousness hearing cannot be held absent first receiving a certificate from the BOP that the defendant is dangerous. *See* 18 U.S.C. § 4246(a) (“If the director of a facility in which a person is hospitalized certifies that a person in the custody of the Bureau of Prisons . . . is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to

property of another The court shall order a hearing. . . .”). Stated differently, there is nothing in the text of § 4246 that authorizes federal courts to hold a dangerousness hearing without a certificate from the BOP. *See United States v. Chappell*, No. 8:18-cr-344-VMC-AAS, Doc. No. 184, at 6 (M.D. Fla. Jan. 11, 2023), *report and recommendation adopted*, Doc. No. 188 (M.D. Fla. Jan. 27, 2023) (“No provision of Section 4246 unambiguously grants federal courts the authority to hold a dangerousness hearing without a dangerousness certificate.”). And for purposes of the present issue, there is also nothing in § 4246 that expressly authorizes a court to order the director of a medical facility to issue such a certificate. Rather, §4246(a), which is titled “Institution of proceeding” starts with the requirement that the director at the appropriate BOP facility must first issue a certificate. Thus, absent a certificate from the BOP, nothing in § 4246 permits a court to *sua sponte* detain and/or order a dangerousness evaluation.

The absence of such mandatory language is even more notable when compared to other sections of the IDRA. For example, when a defendant is found incompetent, § 4241(d) mandates that “the court shall commit the defendant to the custody of the Attorney General,” for restoration and “[t]he Attorney General shall hospitalize the defendant for treatment in a suitable facility.” *See also* Doc. No. 136; *United States v. Lee*, No. 1:21-CR-20034, 2022 WL 18275882, at *3 (S.D. Fla. Dec. 27, 2022), *report and recommendation adopted*, 2023 WL 168755 (S.D. Fla. Jan. 12, 2023)

“Upon a finding of incompetence to continue in proceedings against a criminal defendant, a court must commit the defendant to the custody of the Attorney General for a period not to exceed four months to evaluate whether the defendant may be restored to competency. Such commitment is mandatory.” (first citing 18 U.S.C. § 4241(d)(1), then citing *United States v. Donofrio*, 896 F.2d 1301, 1303 (11th Cir. 1990)); *United States v. Calhoun*, No. 2:22-cr-167-ECM, 2023 WL 2316186, at *1 (M.D. Ala. Mar. 1, 2023), *appeal dismissed*, No. 23-10773, 2023 WL 3863505 (11th Cir. June 7, 2023) (“Upon the finding of incompetency, commitment to the custody of the Attorney General for a period of restoration is mandatory.” (citing 18 U.S.C. § 4241(d)(1); *Donofrio*, 896 F.2d at 1303)). When a defendant intends to rely on an insanity defense and the United States files a motion, 18 U.S.C. § 4242(a) mandates that the court “shall order that a psychiatrist or psychological examination of the defendant” take place. And when a defendant is found not guilty by reason of insanity, 18 U.S.C. § 4243(a) mandates that a defendant “shall be committed to a suitable facility,” until the defendant’s condition improves such that he is eligible for release.

The undersigned further notes that, unlike § 4246, other provisions of the IDRA expressly provide a court the discretion to hold hearings on its own motion. *See* 18 U.S.C. § 4241(a) (where there is reasonable cause to believe a defendant is not competent to stand trial, “[t]he court shall grant the motion or shall order such a

hearing on its own motion . . ."); 18 U.S.C. § 4244(a) (authorizing a court to hold a hearing on whether to hospitalize a convicted defendant "at any time prior to the sentencing of the defendant . . . on its own motion").

But no such mandatory or discretionary language exists with respect to civil commitment proceedings under § 4246. A court is not required to refer a defendant for § 4246 proceedings, nor is a court authorized to *sua sponte* initiate such proceedings. Rather, the statutory language makes clear that a court may only engage in § 4246 proceedings once the BOP issues an appropriate certificate. Thus, when § 4246 is read both alone and in context with the IDRA statutory scheme, the undersigned finds that the Court is without jurisdiction to make the referral to initiate civil commitment proceedings absent a certificate from the BOP. *See Chappell*, No. 8:18-cr-344-VMC-AAS, Doc. No. 184, *report and recommendation adopted*, Doc. No. 188 (M.D. Fla. Jan. 27, 2023); *see also W. Virginia v. Env't Prot. Agency*, 597 U.S. 697, 721 (2022) ("It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme." (citing *Davis v. Michigan Dept. of Treasury*, 489 U.S. 803, 809 (1989))).

The Eleventh Circuit Court of Appeals does not appear to have addressed this issue, but another Court in this District has. *See United States v. Chappell*, No. 8:18-cr-344-VMC-AAS, Doc. No. 188 (M.D. Fla. Jan. 27, 2023). In *Chappell*, the

defendant – after undergoing seven competency evaluations by five different medical examiners – was found incompetent to proceed, with the possibility of restoration in the foreseeable future low. *Id.*, Doc. No. 184. The BOP did not issue any certificates under § 4246, however the United States asked United States District Judge Virginia M. Hernandez Covington to remand the defendant for a dangerousness evaluation under § 4246. *Id.*, Doc. Nos. 176, 183. Magistrate Judge Amanda A. Sansone issued a report recommending that the plain meaning of § 4246 did not authorize a court to conduct a dangerousness evaluation unless and until the director of the BOP facility issued a certificate of dangerousness to person or property, and because no certificate had issued, no proceedings under § 4246 could commence. *Id.*, Doc. No. 184. Judge Covington adopted the report and recommendation in full, and denied the United States’ request to engage in any further § 4246 proceedings. *Id.*, Doc. No. 188.

The undersigned finds the reasoning and conclusion of *Chappell* persuasive and applicable here. It is undisputed that the BOP has not issued a certificate under § 4246(a) in this case. Dr. Brinkley noted in his forensic evaluation report the potential application of § 4246, but stated that an evaluation under § 4246 could be conducted “only if the court issues a ruling finding Mr. Edwards incompetent and not restorable in conjunction with a new order for a forensic evaluation pursuant to Title 18, USC 4246.” Doc. No. 228, at 37. However, nothing further

has issued from the BOP, the United States has not filed any motions requesting referral for a § 4246 assessment, and the United States did not object to Evan Edwards' pretrial release at the November 1, 2024 hearing absent any BOP certification.

Because no BOP facility director has forwarded to the Court a certificate on Evan Edwards' dangerousness, the undersigned will recommend that the Court find it is without jurisdiction to conduct any further proceedings under § 4246. *See, e.g., United States v. Lapi*, 458 F.3d 555, 563 (7th Cir. 2006) ("[Section] 4246 is triggered only by the filing of a Certificate of Mental Disease or Defect and Dangerousness by the 'director of [the] facility in which [the defendant] is hospitalized.'"); *United States v. Bonin*, 541 F.3d 399, 401 (5th Cir. 2008) ("Section 4246(a) establishes the director's certification as a necessary prerequisite to a dangerousness hearing; without the certification, a court ordinarily lacks statutory authority to conduct the hearing." (footnote omitted)); *United States v. Wigren*, 641 F.3d 944, 946 (8th Cir. 2011) ("The [IDRA] sets forth procedures for involuntary civil commitment of federal detainees. The warden is responsible for commencing proceedings under § 4246"); *United States v. Cruz-Ruiz*, 585 F. Supp. 3d 167, 170 (D. Puerto Rico 2022) ("[T]his Court is unpersuaded that it has the authority to continue to detain Defendant and order a dangerousness assessment pursuant to Section 4246."); *see also United States v. Baker*, 807 F.2d 1315, 1323-24 (6th Cir. 1986) (stating that, in the

absence of a certification and by failing to strictly adhere to the procedures outlined in Section 4246(a), the district court “lacked statutory authority” to commit the defendant); *United States v. Sahhar*, 917 F.2d 1197, 1204 (9th Cir. 1990) (“Section 4246 permits civil commitment only if the court finds by clear and convincing evidence that the person suffers from a mental disease or defect and thus poses a substantial risk of bodily injury to another or serious property damage. And, of course, a defendant is not subject to section 4246’s provisions at all unless the government has sufficient grounds to prosecute for a criminal act and the director of the facility at which the defendant is being treated certifies that the defendant poses a substantial risk to society as a result of his condition” (citations omitted)).¹

¹ In its post-hearing briefing, the United States cites to *United States v. Ferguson*, No. 04-CR-14041, 2020 WL 5100099 (S.D. Fla. Aug. 5, 2020), *report and recommendation adopted*, 2020 WL 4922360 (S.D. Fla. Aug. 21, 2020) for the proposition that upon a finding of incompetency, a court must initiate § 4246 proceedings, even without first receiving a BOP certificate. Doc. No. 240, at 10. The undersigned is not persuaded by the reasoning of *Ferguson*, and also notes that unlike the present case, the United States in *Ferguson* was affirmatively requesting a dangerousness assessment under § 4246. For these same reasons, the undersigned also does not find persuasive the United States’ reliance on *United States v. Rivera-Morales*, 365 F. Supp. 2d 1139 (S.D. Cal. 2005) or *Sealed v. Sealed*, 802 F. App’x 138 (5th Cir. 2020).

The United States cites two other decisions in its pre-hearing status update. Doc. No. 234, at 11. Upon review, the undersigned finds neither decision to be persuasive. *United States v. Wayda*, 966 F.3d 294 (4th Cir. 2020), stands for the proposition that a certificate of sexual dangerousness under 18 U.S.C. § 4248 must issue before a defendant’s period of commitment to the Attorney General’s custody for treatment has ended in order for § 4248’s civil commitment proceedings to go forward. And *United States v. Curbow*, 16 F.4th 92 (4th Cir. 2021), addressed whether a 49-day delay in initiating § 4246 proceedings was unreasonable, and found most of the defendant’s arguments waived.

B. Referral Under § 4246

In the event the Court disagrees with the undersigned and finds that jurisdiction exists to *sua sponte* refer Evan Edwards for § 4246 proceedings, the undersigned alternatively recommends that the Court decline to exercise its discretion to make such referral. Under the facts of this case, the undersigned does not believe Evan Edwards poses a substantial risk of bodily injury to another person or serious damage to property of another. *See* 18 U.S.C. § 4246(a).

It is undisputed that Evan Edwards suffers from a myriad of physical and mental conditions, and that he is dependent on others for his basic activities of daily living. *See, e.g.,* Doc. No. 241, at 5. He has suffered injuries to his heart, kidneys, and lungs, brain swelling and brain hemorrhages, as well as a stroke, has been hospitalized on several occasions, and is largely bedridden. *See, e.g.,* Doc. No. 237, at 3. Each expert has opined that Evan Edwards suffers from moderate to severe dementia and significant and permanent cognitive deficits; his condition is not predicted to improve. *See, e.g.,* Doc. No. 228, at 37; Doc. No. 237, at 3-4. No medical expert has suggested or opined that he poses any danger to himself, to others, or to property. In addition, the United States contacted the staff at BOP Federal Medical Center Devens (“FMC Devens”), where Evan Edwards’ restoration evaluation and treatment took place, to discuss potential § 4246 proceedings. Doc. No. 234, at 10; Doc. No. 240, at 8. According to the United States, staff at FMC

Devens “candidly acknowledge[d] that given the defendant’s current charges, his lack of criminal record, his adjustment at FMC Devens, as well as his diagnosis and prognosis, it is unlikely that the defendant meets the criteria under 4246 that ‘his release would create a substantial risk of bodily injury to another person or serious damage to property of another.’” Doc. No. 234, at 10; Doc. No. 240, at 8. Moreover, and perhaps most importantly, the United States has made no argument or request that Evan Edwards be referred for any further proceedings under § 4246. *See* Doc. No. 240, at 1-2 (“The government does not waive [a § 4246] assessment, but also does not ask the Court to consider the assessment beyond that which was raised and considered at the November 1, 2024 hearing. Put another way, the government is not requesting either the issuance of a dangerousness certificate or a referral to FMC Devens for a dangerousness evaluation under 18 U.S.C. § 4246(b).”)

At this point, Evan Edwards has been under federal custody and/or supervision since December 14, 2022. He has been evaluated directly by three medical experts, and a fourth has reviewed all available records. There is a complete absence of any evidence in the record to suggest Evan Edwards poses any danger, and he was released on relatively lenient pretrial conditions without objection by the United States. *See* Doc. Nos. 114, 238. He was indicted on non-violent charges, (Doc. No. 1) and there is no evidence of a history of violence or any

incidents of non-compliance while at any BOP facility or while on pretrial release.² *See, e.g.,* Doc. Nos. 98, 228. Thus, in the absence of any evidence suggesting dangerousness, as well as the United States' representation that it is not requesting any dangerousness assessment under § 4246, the undersigned will respectfully recommend in the alternative that the Court not refer Evan Edwards for any § 4246 proceedings. *See, e.g., United States v. Martin*, No. CR 08-1012 JB, 2011 WL 5220310, at *11 (D.N.M. Sept. 27, 2011) ("Given that the court has discretion to order a psychological or psychiatric report at all under § § 4246 and 4248, the court can consider a variety of relevant information in the civil commitment context."). *But cf. United States v. Ecker*, 424 F. Supp. 2d 267, 268 (D. Mass. 2006) (ordering referral of defendant under 18 U.S.C. § 4246 in part based on conclusion in BOP forensic report issued at the restoration stage that the defendant's release would present a substantial risk of bodily injury to another person or serious damage to the property of another, because "[t]hat finding rendered the defendant potentially subject to indefinite confinement under 18 U.S.C. § 4246"); *United States v. Ferguson*, No. 04-CR-14041, 2020 WL 5100099, at *1, 6-7 (S.D. Fla. Aug. 5, 2020), *report and recommendation adopted*, 2020 WL 4922360 (S.D. Fla. Aug. 21, 2020) (ordering referral

² The issues concerning Evan Edwards' prior pretrial release related to the cooperation and compliance of his third-party custodian, Mary Jane Edwards. *See* Doc. No. 190. There is no evidence that Evan Edwards himself failed to comply with any Court directives.

of defendant to the BOP for assessment under § 4246 to determine if a certificate should be issued based in part on the defendant's lengthy and serious criminal history, the serious offenses of conviction, and the United States' request for a referral).

III. RECOMMENDATION

For the reasons set forth above, the undersigned **RESPECTFULLY RECOMMENDS** that the Court decline to refer Defendant Evan Edwards for any proceedings, hearings, or assessments under 18 U.S.C. § 4246. The undersigned further recommends that the Court set this case for a hearing, at a date to the established by the Court, to discuss with the parties the ultimate disposition of this case.³

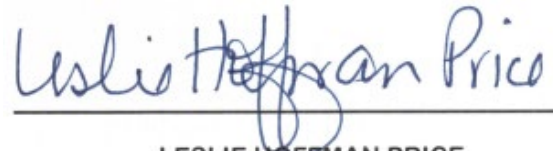
NOTICE TO PARTIES

A party has fourteen days from the date the Report and Recommendation is served to serve and file written objections to the Report and Recommendation's factual findings and legal conclusions. Failure to serve written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal

³ In the event the Court disagrees in toto with this report and recommendation and finds that 18 U.S.C. § 4246 is mandatory, the undersigned alternatively recommends that the Court set a hearing with the parties and the United States Marshals Service to discuss the logistics for remanding Evan Edwards to the custody of the Attorney General to conduct the initial § 4246(a) assessment.

conclusion the district judge adopts from the Report and Recommendation. 11th
Cir. R. 3-1.

Recommended in Orlando, Florida on January 7, 2025.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge
Counsel of Record