UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA,

v. Case No. 6:24-cr-53-RBD-RMN

SHAWN MICHAEL SIMMERER.

ORDER

Before the Court is the issue of Defendant's mental competency. Defendant moved for a psychiatric evaluation in October 2024. (Doc. 70.) Around the same time, Defendant's attorney, Charles Greene, moved to withdraw (Docs. 69, 93), and Defendant improperly filed a *pro se* motion seeking a new attorney, or if none could be appointed, self-representation (Doc. 76). On referral, U.S. Magistrate Judge Robert M. Norway granted Defendant's motion for a psychiatric evaluation and appointed an expert who conducted the evaluation. (Docs. 82, 85, 90.) The Court took Defendant's *pro se* motion under advisement pending the outcome of the competency proceedings. (Doc. 79.)

Judge Norway then held a Competency Hearing on December 12, 2024, and entered a Report and Recommendation stating that the Court should find Defendant competent to proceed. (Doc. 105 ("R&R").) During that hearing, Judge Norway granted Attorney Greene's motion to withdraw, appointed new counsel, and denied Defendant's *pro se* motion as moot. (Docs. 101, 103, 104.) As to the R&R,

the parties did not object and the time has passed, so the Court examines the R&R for clear error only. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the R&R is due to be adopted.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. The R&R (Doc. 105) is **ADOPTED AND CONFIRMED** and made a part of this Order in its entirety.
2. The Defendant is **FOUND COMPETENT TO PROCEED**.
3. Now that the competency issue has been resolved, the Court **DENIES AS MOOT** Defendant's *pro se* motion (Doc. 76) in light of the appointment of Attorney Andrew C. Searle.[1]

DONE AND ORDERED in Chambers in Orlando, Florida, on January 6, 2025.

ROY B. DALTON, JR.
United States District Judge

[1] To the extent Defendant still wishes to raise the issue of self-representation, Defendant may raise it in a new filing through his new attorney.