

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-4480**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HERBERT G. EVANS, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Abingdon. James P. Jones, Chief District Judge. (1:02-cv-000136-JPJ; 1:04-mj-00014-JPJ)

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Submitted: August 30, 2006

Decided: September 12, 2006

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Before WILLIAMS and MICHAEL, Circuit Judges, and Henry F. FLOYD, United States District Judge for the District of South Carolina, sitting by designation.

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Affirmed by unpublished per curiam opinion.

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Monroe Jamison, Jr., Abingdon, Virginia, for Appellant. John L. Brownlee, United States Attorney, Randy Ramseyer, Assistant United States Attorney, Abingdon, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Herbert G. Evans, Jr., appeals the district court's order granting the Government's motion to involuntarily medicate Evans. We remanded this case to the district court for the purpose of reevaluating two of the factors announced in Sell v. United States, 539 U.S. 166 (2003) necessary for administering involuntary medication to render a defendant competent to stand trial. See United States v. Evans, 404 F.3d 227, 235 (4th Cir. 2005). On remand, the district court reviewed reports and scientific documents and heard testimony. The court found by clear and convincing evidence that forcibly medicating Evans would significantly further the Government's interest and was medically appropriate in light of Evans's condition. We affirm.

This court reviews the district court's decision as to the two factors for clear error. See Evans, 404 F.3d at 240; see also United States v. Gomes, 387 F.3d 157, 159 (2d Cir. 2004), cert. denied, 543 U.S. 1128 (2005). We find no clear error.

Accordingly, we affirm the district court's order.\* We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

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\*We will not review the court's finding that medicating Evans was in the Government's interests.