

ALD-315

August 27, 2015

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 15-1664

UNITED STATES OF AMERICA

VS.

ROGER WILSON, Appellant

(W.D. Pa. Crim. Nos. 2-06-cr-00316-004 & 2-07-cr-00101-001)

Present: CHAGARES, SCIRICA and RENDELL, Circuit Judges

Submitted by the Clerk for possible summary action pursuant to 3rd Circuit Local Appellate Rule 27.4 and Chapter 10.6 of the Court's Internal Operating Procedures and for a decision on the issuance of a certificate of appealability

in the above-captioned case.

Respectfully,

Clerk

MMW/JDM/tmm

ORDER

To the extent a certificate of appealability is required for this appeal, we decline to issue one. Jurists of reason would agree that Wilson has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322 (2003). Otherwise, we summarily affirm the judgment of the District Court because the appeal does not present a substantial question. See 3d Cir. L.A.R. 27.4; I.O.P. 10.6.

By the Court,

s/ Michael A. Chagares  
Circuit Judge

Dated: September 11, 2015  
tmm/cc: Roger Wilson

Rebecca R. Haywood, Esq.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

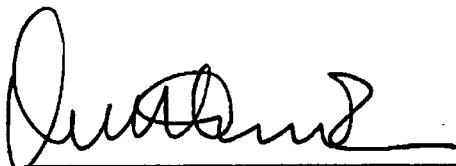
UNITED STATES OF AMERICA, )  
Plaintiff, ) 07-cr-00101-1  
v. ) 06-cr-00316-4  
ROGER WILSON, ) Judge Mark R. Hornak  
Defendant. )

## ORDER

The Court finds and concludes, for the reasons stated on the record in open court this date in the presence of the Defendant and his counsel, based on competent evidence of record and in furtherance of its Order of November 22, 2013 [201], that (1) the Defendant Roger Wilson is not currently competent to participate in the defense of the charges against him and that there is no reasonable likelihood that such competency will be restored in the foreseeable future, (2) that based on the record before the Court that the Attorney General has not made the certification required by 18 U.S.C. §4246(a) as to the Defendant, (3) that the evidentiary record before the Court does not demonstrate by clear and convincing evidence that the Defendant 's release from custody would create a substantial risk of bodily harm to another person or serious damage to the property of another, (4) that the only evidence of record as to such matters is the report of the designee of the Attorney General dated November 26, 2013 that the Defendant is not presently suffering from a mental disease or defect as a result of which his release would create such substantial risks, and (5) therefore his further custody by the Attorney General for purposes of evaluation or treatment is not warranted. The Court further ORDERS and DIRECTS that the United States Probation Office shall take all reasonably available actions appropriate to facilitate to care and treatment of the Defendant and that the Defendant shall comply with all directives in

that regard from the Probation Office that are not inconsistent with the conditions of supervised release.

SO ORDERED,



Mark R. Hornak  
United States District Judge

Dated: December 20, 2013  
cc: All Counsel of Record

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

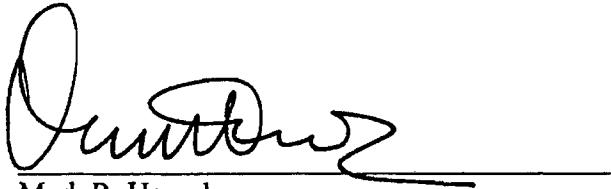
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|---------------------------|------------------------|
| UNITED STATES OF AMERICA, | )                      |
|                           | )                      |
| Plaintiff,                | ) 07-cr-00101-1        |
|                           | ) 06-cr-00316-4        |
| v.                        | )                      |
|                           | ) Judge Mark R. Hornak |
| ROGER WILSON,             | )                      |
|                           | )                      |
| Defendant.                | )                      |

**ORDER**

For good cause shown, and for the reasons stated upon the record in open court in the presence of the Defendant as represented by counsel, and in furtherance of this Court's Order of March 14, 2013 modifying the conditions of supervision applicable to the Defendant, and after the application of the the provisions of 18 U.S.C. §§ 3553 and 3583(e), the conditions of supervised release applicable to the Defendant are enlarged and modified to add the following additional conditions:

**The Defendant shall seek and participate in all appropriate medical and/or other therapeutic care and treatment, and shall comply with all directions and prescriptions of any treating or consulting healthcare practitioner in those regards, and specifically as to each and every diagnosis made relative to the Defendant by such practitioners at the Federal Medical Center-Butner of the United States Bureau of Prisons, as set forth in their Reports to the Court dated October 24, 2013 and November 26, 2013. Defendant shall comply with all prescription and treatment directions relative to the medical and mental health conditions set forth in such reports.**

SO ORDERED,



Mark R. Hornak  
United States District Judge

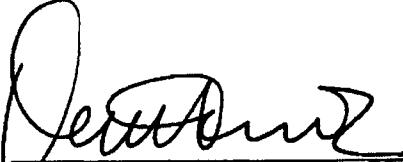
Dated: December 20, 2013  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   ) 07-cr-00101-1  
                                  ) 06-cr-00316-4  
v.                             )  
                                 ) Judge Mark R. Hornak  
ROGER WILSON,              )  
                                  )  
Defendant.                   )

ORDER

In light of this Court's dismissal on the record of the pending Petition for Action Relative to and Offender Under Supervision [136] [137] upon the Motion of the United States, it is hereby ORDERED that the Defendant Roger Wilson is DISCHARGED FORTHWITH from the custody imposed by this Court's Order of October 11, 2012 [145] and subsequent Orders of the same tenor, subject only to any outstanding warrants or detainers. All conditions of supervised release remain in full force and effect.



\_\_\_\_\_  
Mark R. Hornak  
United States District Judge

Dated: December 20, 2013

cc: All Counsel of Record

**Additional material  
from this filing is  
available in the  
Clerk's Office.**