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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff - Appellee,</p> <p>v.</p> <p>JAMES H. BOHOL, a.k.a. Special K,</p> <p>Defendant - Appellant.</p>
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No. 10-10315

D.C. No. 1:02-cr-00523-HG

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Helen Gillmor, District Judge, Presiding

Submitted February 15, 2011**

Before: CANBY, FERNANDEZ, and M. SMITH, Circuit Judges.

James H. Bohol appeals from the district court’s findings of fact, conclusions of law, and decision on the results of his psychological report. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

Bohol contends that the district court clearly erred in finding him mentally

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

incompetent and unable to assist in his defense to allegations that he violated the conditions of his supervised release. The record reflects that the district court carefully followed the procedures set forth in 18 U.S.C. § 4241, before concluding that Bohol demonstrated an adequate understanding of the nature and consequences of the proceedings against him, but suffered from a mental disease or defect rendering him mentally incompetent to the extent that he was unable to assist properly in his defense. The district court's findings are properly based on the psychological report, expert testimony from the forensic psychologist, and the exhibits received into evidence, and are not clearly erroneous. *See United States v. Friedman*, 366 F.3d 975, 980-81 (9th Cir. 2004).

AFFIRMED.