

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**TEVIN MCDONALD,**

**Defendant.**

**CRIMINAL ACTION FILE**

**NO. 1:22-CR-335-MHC-JSA**

**ORDER**

This action comes before the Court on the Final Report and Recommendation (“R&R”) of Magistrate Judge Justin S. Anand [Doc. 24] recommending that Defendant be found incompetent to stand trial and that he be evaluated further for potential restoration to competency. The Order for Service of the R&R [Doc. 25] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. See also FED. R. CRIM. P. 59(a). No objections have been filed within the permitted time period.

Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b)(1), and need only satisfy itself that there is no plain error on the

face of the record. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court has reviewed the R&R and finds no clear error and that the R&R is supported by law.

Accordingly, the Court **ADOPTS** the R&R [Doc. 24] as the Opinion and Order of this Court. Defendant is found **INCOMPETENT TO STAND TRIAL**. It is hereby **ORDERED** that Defendant shall be committed to the custody of the Attorney General for hospitalization in a suitable facility and for further evaluation as to whether Defendant can be restored to competency, that is, “whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the proceedings to go forward,” 18 U.S.C. § 4241(d)(1), and to recommend the appropriate disposition for the Defendant.

It is further **ORDERED** that this matter should be re-submitted to Judge Anand once the recommendation of the Attorney General is received, but no later than four (4) months from the date of this Order, for a hearing on the question of whether Defendant has been restored to competency.

**IT IS SO ORDERED** this 14th day of April, 2023.



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MARK H. COHEN  
United States District Judge