

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 7, 2022

Lyle W. Cayce
Clerk

No. 21-30326

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

BRYANT LAMONT HARRIS

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:20-CR-71-1

Before KING, JONES, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Bryant Lamont Harris appeals the district court order holding that he remains incompetent to stand trial and continuing his commitment to the custody of the Attorney General under 18 U.S.C. § 4241. Because of Harris's already lengthy pretrial detention, this court expedited the appeal.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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This court reviews a district court’s competency determination using a “species of clear error” review. *United States v. Simpson*, 645 F.3d 300, 306 (5th Cir. 2011) (quoting *United States v. Joseph*, 333 F.3d 587, 589 (5th Cir. 2003)). “[A]fter re-analyzing the facts and taking a hard look at the trial judge’s ultimate conclusion, [this court] will reverse only if the finding was clearly arbitrary or unwarranted.” *United States v. Porter*, 907 F.3d 374, 380 (5th Cir. 2018) (quoting *Simpson* 645 F.3d at 306). After carefully reviewing the record and hearing oral argument, this court finds that the district court’s conclusion that Harris is still not competent to stand trial is not clearly arbitrary or unwarranted. Critically, reports prepared by two forensic psychologists and live testimony by one of those psychologists support the district court’s conclusion. Notwithstanding our finding, the already much-extended length of Harris’s pretrial detention is of great concern. We therefore strongly urge the government and defense counsel to work expeditiously to bring this case to a final conclusion.

AFFIRMED.