

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:20-cr-206-TPB-AEP

MUHAMMED MOMTAZ AL-AZHARI
_____ /

ORDER

On December 7, 2021, the Court entered an Order appointing Debra A. Goldsmith, Ph.D., a forensic psychologist, and clinical neuropsychologist to examine the Defendant for a competency determination (Doc. 215). On January 13, 2022, the Court conducted a status hearing. Prior to the hearing, Dr. Goldsmith issued a report on December 28, 2021 (Doc. 220) and determined that the Defendant is presently legally incompetent to stand trial. At the January 13, 2022 status hearing, both parties stipulated to Dr. Goldsmith's findings and opinion. Thus, I find by a preponderance of the evidence that the Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

It is therefore **ORDERED**:

1. The Defendant is hereby **REMANDED** to the custody of the Attorney General for such a reasonable period of time, not to exceed four months, as

is necessary to determine whether there is a substantial probability that in the foreseeable future the Defendant will attain the capacity to permit the trial to proceed.

2. The director of the facility designated by the Attorney General shall report to the court the Defendant's status within this period. If necessary, this court will entertain a request for an additional reasonable period of commitment as authorized under § 4241(d)(2); and

3. If the director of the facility in which the Defendant is hospitalized determines that the Defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the director shall promptly file a certificate to that effect with the Clerk of the court.

DONE AND ORDERED at Tampa, Florida, on January 13, 2022.



ANTHONY E. PORCELLI
United States Magistrate Judge

Copies furnished to:

The Honorable Thomas P. Barber
Counsel of Record
United States Marshals Service