UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6148

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM SCOTT DAVIS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. W. Earl Britt, Senior District Judge. (5:14-cr-00240-BR-1)

Submitted: November 18, 2016 Decided: January 5, 2017

Before WILKINSON, AGEE, and HARRIS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

John Keating Wiles, CHESHIRE PARKER SCHNEIDER & BRYAN, PLLC, Raleigh, North Carolina, for Appellant. John Stuart Bruce, Acting United States Attorney, Jennifer P. May-Parker, Barbara D. Kocher, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Scott Davis, Jr., appeals the district court's order finding him mentally incompetent to stand trial and committing him to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d)(1) (2012). Davis argues that the district court erred by denying him an opportunity to testify at his competency hearing. Having reviewed the record, we agree that, despite Davis' request, the district court did not allow him to testify at the hearing, a right specifically guaranteed to him by statute. See 18 U.S.C. §§ 4241(c), 4247(d) (2012).

Accordingly, we vacate the challenged order and remand the case to the district court with instructions to conduct a new initial competency determination pursuant to 18 U.S.C. § 4241(c). We deny the Government's motion to dismiss, as well as all of Davis' motions, including his motions for stay, to appoint and to replace counsel, for transcripts, for sanctions, and for such other relief as he has requested. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED