

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

United States v. Samuel Peter McElmeel

McElmeel · No. 25-1558 · Decided March 9, 2026

SUMMARY

The Eighth Circuit dismissed as moot Samuel McElmeel’s appeal from a district court finding that he was incompetent to stand trial. The court held that the subsequent finding that McElmeel’s competency had been restored eliminated the need for further appellate relief and that his asserted collateral consequences were speculative.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	KELLY, Circuit Judge; GRUENDER, Circuit Judge; ERICKSON, Circuit Judge
JURISDICTION	United States Court of Appeals for the Eighth Circuit
DECIDED	March 9, 2026
DOCKET	25-1558
DISPOSITION	dismissed
PROCEDURAL POSTURE	McElmeel appealed the district court's finding that he was incompetent to stand trial. While the appeal was pending, the district court found him competent and set the case for trial; the Eighth Circuit ordered supplemental briefing on mootness and dismissed the appeal.
STANDARD OF REVIEW	The court reviewed whether the appeal presented a live controversy and whether McElmeel retained a legally cognizable interest in its outcome.
PRECEDENTIAL VALUE	published
PARTIES	Samuel Peter McElmeel v. United States of America

TOPICS

- mootness
- criminal procedure
- appellate procedure
- appellate jurisdiction

PRACTICE AREAS

- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether McElmeel's appeal from the district court's initial incompetency determination became moot after the district court found that his competency had been restored.
2. Whether the initial incompetency determination created a continuing legally cognizable interest based on possible future competency proceedings, altered burdens of proof, stigma, reputational harm, or a potential effect on his right to possess firearms.

HOLDINGS

1. The appeal is moot because the district court's subsequent finding that McElmeel was competent provided the relief sought and eliminated the need for further judicial action.
2. The prior incompetency determination does not preserve a live controversy because competency must be determined based on the defendant's current mental state, and competency may change over time.
3. The reasoning in *United States v. Evans* does not preserve McElmeel's appeal because the district court had already found that his competency was restored, so he was no longer subject to the altered burden of proof under § 4241(e).
4. Speculative and untethered allegations of stigma, reputational damage, and a possible future effect on firearm possession do not establish a legally cognizable interest sufficient to avoid mootness.

KEY QUOTATIONS

“A case becomes moot . . . ‘when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.’” (at 2)

“Here, the district court’s order finding McElmeel competent provided the requested relief and eliminated the need for further court action.” (at 2)

“McElmeel, unlike the defendant in Evans, is no longer subject to the altered burden of proof in § 4241(e).” (at 3)

“In this posture and on this record, we conclude that McElmeel “lack[s] a legally cognizable interest in the outcome” of the issue appealed.” (at 4)

FACTUAL BACKGROUND

McElmeel was indicted on two counts of interstate transmission of a threat. Following a mental-health evaluation and competency hearing, the district court found him incompetent to stand trial and ordered hospitalization and treatment for restoration of competency. While his appeal was pending, a forensic psychologist concluded that he was able to understand the proceedings and assist in his defense, and the district court subsequently found him competent and set the case for trial.

PROCEDURAL HISTORY

McElmeel was indicted on two counts of interstate transmission of a threat under 18 U.S.C. § 875(c). After a competency hearing, the district court found him incompetent and ordered hospitalization and treatment for

restoration of competency under 18 U.S.C. § 4241(d). During the appeal, the district court held a second competency hearing, found that McElmeel's competency had been restored, and set the case for trial. The Eighth Circuit concluded that the changed circumstances eliminated any live controversy and dismissed the appeal.

DISPOSITION

dismissed

CASES CITED

- Prowse v. Payne, 984 F.3d 700, 702 (8th Cir. 2021)
- Already, LLC v. Nike, Inc., 568 U.S. 85, 91 (2013)
- Hillesheim v. Holiday Stationstores, Inc., 903 F.3d 786, 791 (8th Cir. 2018)
- United States v. Ghane, 593 F.3d 775, 779-80 (8th Cir. 2010)
- United States v. Jimenez-Villasenor, 270 F.3d 554, 559 (8th Cir. 2001)
- Lyons v. Luebbbers, 403 F.3d 585, 593 (8th Cir. 2005)
- United States v. Evans, 690 F.3d 940, 941-43 (8th Cir. 2012)

OPINION

United States v. Samuel McElmeel

PER CURIAM.

United States Court of Appeals For the Eighth Circuit _____ No. 25-1558 _____ United States of America Plaintiff - Appellee v. Samuel Peter McElmeel Defendant - Appellant _____ Appeal from United States District Court for the Southern District of Iowa - Eastern _____ Submitted: December 18, 2025 Filed: March 9, 2026 _____ Before GRUENDER, KELLY, and ERICKSON, Circuit Judges. _____ KELLY, Circuit Judge. Samuel McElmeel was indicted on two counts of Interstate Transmission of a Threat under 18 U.S.C. § 875(c). The district court 1 later found McElmeel was not 1 The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa, adopting the report and recommendations of the Honorable Stephen B. Jackson, Jr., Chief Magistrate Judge for the Southern District of Iowa. competent to stand trial, and McElmeel appeals that finding. Because the district court has since found McElmeel is competent, this appeal is moot. I. McElmeel was indicted on December 5, 2023. In July 2024, the district court ordered him to undergo a mental health evaluation. After a competency hearing in January 2025, and over McElmeel's objections, the district court found McElmeel incompetent to stand trial and ordered him committed to the custody of the Attorney General for hospitalization and treatment for restoration of competency pursuant to 18 U.S.C. § 4241(d). McElmeel promptly appealed. In October 2025, while this appeal was pending, the Warden at the Federal Medical Center notified the district court that McElmeel's forensic evaluation was complete and attached a report from a forensic psychologist opining that McElmeel was "presently able to understand the

nature and consequences of the proceedings against him and to assist properly in his defense.” After a second competency hearing in November 2025, the district court found McElmeel competent and set the case for trial. Given the change in circumstances, we ordered supplemental briefing on whether McElmeel’s appeal is now moot. The Government argues the appeal is moot, while McElmeel maintains it is not. II. “A case becomes moot . . . ‘when the issues presented are no longer live or the parties lack a legally cognizable interest in the outcome.’ We have previously held that a case becomes moot ‘when changed circumstances already provide the requested relief and eliminate the need for court action.’” *Prowse v. Payne*, 984 F.3d 700, 702 (8th Cir. 2021) (first quoting *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91

(2013); and then quoting *Hillesheim v. Holiday Stationstores, Inc.*, 903 F.3d 786,

-2- 791 (8th Cir. 2018)). Here, the district court’s order finding McElmeel competent provided the requested relief and eliminated the need for further court action. McElmeel argues otherwise, asserting that the district court’s initial incompetency determination has the potential to harm his “legal interests and ability at future proceedings,” which we understand to mean future competency proceedings. But a defendant may be found not competent to stand trial only if, after a hearing, “the court finds 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[.]” 18 U.S.C. § 4241(d) (emphasis added). McElmeel has not explained how a prior determination of incompetency would upend this statutory mandate at a future proceeding. Indeed, we have expressly said that “it is incumbent on the district court to base its competency determination on the defendant’s current state of mind to the extent it is ascertainable from the information available,” because “[a] defendant’s competency is not static and may change over even a short period of time.” *United States v. Ghane*, 593 F.3d 775, 779–80 (8th Cir. 2010) (emphasis added) (first citing *United States v. Jimenez-Villasenor*, 270 F.3d 554, 559 (8th Cir. 2001); and then citing *Lyons v. Luebbbers*, 403 F.3d 585, 593 (8th Cir. 2005)). McElmeel relies heavily on *United States v. Evans*, 690 F.3d 940 (8th Cir. 2012), to support his assertion that he maintains a legally cognizable interest in the outcome of this appeal. As McElmeel points out, “the burden of proof changes” after an incompetency finding insofar as a defendant will ordinarily “only be allowed to be discharged and to proceed to trial if the court finds ‘by a preponderance of the evidence that’” the defendant’s competency is restored. *Id.* at 943 (first citing 18 U.S.C. § 4241(d); and then quoting 18 U.S.C. § 4241(e)). But here, the district court has already found McElmeel’s competency is restored—a determination that no one challenges. McElmeel, unlike the defendant in *Evans*, is no longer subject to the altered burden of proof in § 4241(e). See *id.* at 941–43. -3- Finally, McElmeel argues that stigma, damage to his reputation, and a “potential impact on [his] . . . right to bear arms” are collateral consequences that qualify as legally cognizable interests. But these harms are speculative and untethered to the asserted error in the district court’s finding that McElmeel was not competent to stand trial. As to stigma and

reputational damage, the documents related to the court’s competency finding remain under seal, and McElmeel identifies no harm that is both traceable to these records and redressable by this Court. As to his right to possess a firearm, he does not explain how a prior competency determination would impact—at some future time, under unknown circumstances—that right. In this posture and on this record, we conclude that McElmeel “lack[s] a legally cognizable interest in the outcome” of the issue appealed. See *Prowse*, 984 F.3d at 702 (citing *Already, LLC*, 568 U.S. at 91). III. The appeal is dismissed. 2 _____ 2 After the supplemental briefs were submitted, McElmeel filed two motions to proceed pro se, indicating an intent to repeat the arguments made by his counsel. We deny the motions. -4-