

FILED

August 28, 2007

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 07-50935
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee,

versus

MELVIN LEROY TAYLOR

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
(5:07-CR-312-ALL)

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Having been indicted for possession with intent to distribute 100 grams of more of a substance containing a detectable amount of heroin, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B)(i), Melvin Leroy Taylor challenges his pretrial detention. The order is reviewed for abuse of discretion, upholding it "if it is supported by the proceedings below". *United States v. Hare*, 873 F.2d 796, 798 (5th Cir. 1989) (internal quotation marks omitted).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court held Taylor failed to rebut 18 U.S.C. § 3142(e)'s presumption, the applicability of which Taylor does not contest, that "no condition or combination of conditions w[ould] reasonably assure ... the safety of ... the community" if he were released from detention pending trial. Because the district court's conclusion is supported by the record, there was no abuse of discretion. See *Hare*, 873 F.2d at 798-99.

AFFIRMED