

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-30227
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RENÉ ORTLIEB, III,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
(99-CR-31-ALL)

April 12, 1999

Before POLITZ, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

René Ortlieb, III, appeals the district court's pretrial detention order, which, *inter alia*, overruled the magistrate judge's order setting bail at \$200,000. Among other things, Ortlieb contends that the Government failed to prove both that he is a flight risk and that "no condition or combination of conditions will reasonably assure ... the safety of [other persons]" if he is not detained prior to his trial. See 18 U.S.C. § 3142(e). (The Government's application for leave to file a reply memorandum in excess of 20 pages and the parties' motions to supplement the record are **GRANTED**.)

*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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 record supports the district court's determination that the Government proved by a preponderance of the evidence that Ortlieb is a flight risk; and, inferentially, that there is no condition, or combination of conditions, which would reasonably assure his appearance at trial. (Accordingly, we need not address whether the district court erred by finding that Ortlieb would be a threat to others' safety if released prior to trial, or whether the district court applied the correct standard of proof. See *United States v. Hare*, 873 F.2d 796, 799 (5th Cir. 1989).)

AFFIRMED