

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

July 25, 2008

No. 08-30555
Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

VERNON CLAVILLE

Defendant-Appellant

Consolidated with
No. 08-30556
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

MICHAEL WALKER

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 5:07-CR-50097-2
USDC No. 5:07-CR-50097-1

Before KING, GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Vernon Claville and Michael Walker were convicted following a jury trial of violating the Racketeer Influenced Corrupt Organizations Act. In consolidated appeals, Claville and Walker appeal the district court's orders of detention pending sentencing.

A defendant who has been convicted "shall" be detained pending sentencing "unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released[.]" 18 U.S.C. § 3143(a). Our review is limited to abuse of discretion, and the detention order must be sustained if it is supported by the proceedings in the district court. See *United States v. Cantu-Salinas*, 789 F.2d 1145, 1146 (5th Cir. 1986). The district court did not abuse its discretion in concluding that neither Claville nor Walker could meet the statute's demanding standard. Its orders of detention as to both defendants are supported by the proceedings in the district court.

Accordingly, we AFFIRM the district court's order of detention as to Vernon Claville and its order of detention as to Michael Walker.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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