

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20424

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

Walter Eugene FITZPATRICK,

Defendant-Appellant.

Appeal from the United States District Court
For the Southern District of Texas
(H-02-CR-142-2)

June 11, 2002

Before DAVIS, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

The government filed a petition for rehearing challenging our earlier order vacating the district court's order of detention. Upon reconsideration, we agree with the government that Fitzpatrick's possession of child pornography was a "crime of violence" within the meaning of 18 U.S.C. § 3142(f). Based on our review of the record, we conclude that the district court did

* Pursuant to 5th Cir. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not err in finding that "no condition or combination of conditions will reasonably assure the appearance of [Fitzpatrick] as required and the safety of any other person and the community," and therefore, ordering that Fitzpatrick be detained before trial. 18 U.S.C. § 3142(e). For these reasons, we DENY Fitzpatrick's Motion to Vacate Order of Detention Pending Trial and affirm the district court's order of detention. We also DENY all other pending motions.

DENIED.