

April 16, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20300
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERTO GARZA,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-03-M-165-2

Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Roberto Garza appeals from an order of the district court denying his motion to revoke the magistrate judge's pretrial detention order. The district court's decision, which effectively adopted the reasoning of the magistrate judge, rests upon its conclusion that Garza has not rebutted the presumption that no condition or combination of conditions will reasonably assure the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

safety of the community.¹ The district court's conclusions are supported by the record.²

AFFIRMED.

¹ 18 U.S.C. § 3142(e) & (f).

² See *United States v. Rueben*, 974 F.2d 580, 586 (5th Cir. 1992) ("[T]he risk of continued narcotics trafficking on bail does constitute a risk to the community.").