

May 20, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-50486
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GABRIEL VASQUEZ,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:04-CR-396-26

Before DAVIS, SMITH and DENNIS, Circuit Judges.

PER CURIAM ¹:

Gabriel Vasquez appeals from an order of the district court denying his motion to revoke the magistrate judge's pretrial detention order. Vasquez has filed a motion contained in his brief for permission to supplement the record. This motion is DENIED as unnecessary.

The district court's decision, which effectively adopted the reasoning of the magistrate judge, rests upon its conclusion that Vasquez has not rebutted the presumption that no condition or

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

combination of conditions will reasonably assure the safety of the community and that Vasquez poses a flight risk should he be released on bond. See 18 U.S.C. § 3142(e) & (f). The district court's conclusions are supported by the record. See United States v. Rueben, 974 F.2d 580, 586 (5th Cir. 1992).

The judgment of the district court is AFFIRMED.