

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 24, 2008

Charles R. Fulbruge III
Clerk

No. 07-41227
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JAVIER CORTEZ, also known as Raul Cortez

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:07-CR-161-ALL

Before KING, DAVIS and CLEMENT, Circuit Judges.

PER CURIAM:*

Javier Cortez is charged with being an unlawful user of a controlled substance in knowing possession of a firearm, making a false written statement to a licensed firearms dealer, and receiving a firearm with an altered or obliterated serial number. Cortez appeals from an order of the district court denying his motion to reconsider the magistrate judge's pretrial detention order.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 district court's decision rests upon its conclusion that Cortez has failed to establish that any condition or combination of conditions will reasonably ensure the safety of the community if Cortez is released. 18 U.S.C. § 3142 (e) & (f). Absent an error of law, this court will uphold a district court's pretrial detention order if it is supported by the proceedings below. *United States v. Rueben*, 974 F.2d 580, 585 (5th Cir. 1992). The same standard of review applies to the denial of a motion to reconsider a detention order. *United States v. Hare*, 873 F.2d 796, 798 (5th Cir. 1989).

Analysis of the factors set forth in § 3142(g) indicates that the district court's conclusions are supported by the proceedings below. See *Rueben*, 974 F.2d at 586. The pretrial detention order is **AFFIRMED**.