

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 15-20386  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

September 24, 2015

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

HERIBERTO LATIGO,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:15-CR-295

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Before HIGGINBOTHAM, ELROD, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Heriberto Latigo appeals from the district court's denial of his motion to revoke the magistrate judge's order of detention pending his trial on criminal stalking charges. *See* 18 U.S.C. §§ 2261A(2)(B), 3142, 3145.

The evidence as a whole supports the district court's determination that Latigo, over the internet and in person, has engaged in conduct designed to "cause substantial emotional distress," 18 U.S.C. § 2261A(2)(B), to the victim

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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and presents a physical threat to her and that he would continue to do so if released pending trial. *See* § 3142; *United States v. Rueben*, 974 F.2d 580, 586 (5th Cir. 1992). The evidence further supports the district court's conclusion that Latigo poses a flight risk. *See* § 3142; *Rueben*, 974 F.2d at 586.

The decision of the district court is AFFIRMED.