

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 94-10004

(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MOHAMMED IBRAHIM,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
(3:93-CR-361-T)

(February 14, 1994)

Before JOLLY, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Defendant Mohammed Ibrahim appeals from an order of the district court affirming Ibrahim's pretrial detention without bond under the Bail Reform Act of 1984, 18 U.S.C. § 3141 et seq. (1988). Finding the district court's order supported by the proceedings below, we affirm.

Ibrahim was charged with making a false statement in the application for a passport, falsely representing himself as a

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

United States citizen, possessing false identification documents, making false statements to a United States government agency, and misusing a visa. Following a detention hearing, the magistrate judge ordered Ibrahim detained pending trial because: (1) probable cause existed to believe that Ibrahim had committed the offenses charged; (2) Ibrahim had the demonstrated ability to assume false identities; (3) Ibrahim appeared to have violated his immigration status as a student, thereby subjecting him to deportation; and (4) the evidence established that no condition or combination of conditions would reasonably assure Ibrahim's appearance for trial. Ibrahim then filed a motion to revoke the detention order, which the district court denied. Ibrahim now appeals the district court's decision.

Ibrahim argues that the district court erred in denying his motion to revoke the detention order. "Absent an error of law, we must uphold a district court's pretrial detention order `if it is supported by the proceedings below,' a deferential standard of review that we equate to the abuse-of-discretion standard." *United States v. Hare*, 873 F.2d 796, 798 (5th Cir. 1989); see also *United States v. Jackson*, 845 F.2d 1262, 1263 (5th Cir. 1988). "The same standard applies to a determination in response to a motion to revoke a detention order." *Hare*, 873 F.2d at 798.

Under the Bail Reform Act, a district court shall order the detention of a defendant prior to trial "if it finds [by a preponderance of the evidence] that no condition or combination of conditions will reasonably assure the appearance of the person as

required." 18 U.S.C. § 3142(e); *Jackson*, 845 F.2d at 1264 n.3. In making this determination, the district court must consider: (1) the nature and circumstances of the offense charged; (2) the weight of the evidence against the person; and (3) the history and characteristics of the person, including the person's family ties employment history, financial resources, and community ties. See 18 U.S.C. § 3142(g); *United States v. Rueben*, 974 F.2d 580, 586 (5th Cir. 1992), *cert. denied*, ___ U.S. ___, 113 S. Ct. 1336, 122 L. Ed. 2d 720 (1993). After reviewing the record, we conclude that the decisions of the magistrate judge and the district court are supported by the proceedings below. The district court correctly found probable cause to conclude that Ibrahim committed the offenses with which he was charged. Moreover, Ibrahim now is considered to be in the United States illegally, is deportable, and has no relatives living in the United States. Furthermore, Ibrahim has no financial resources with which to secure an appearance bond and no community or employment ties. Consequently, we find that the district court did not abuse its discretion in determining that no condition or combination of conditions would reasonably assure Ibrahim's appearance at trial. See *United States v. Valenzuela-Verdigo*, 815 F.2d 1011, 1012 (5th Cir. 1987) (upholding a detention-without-bail order where the defendant was a citizen of another country with relatives living there and had no property in the United States).

Accordingly, the district court's order is AFFIRMED.