

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60672
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

STANLEY KNOX,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 3:95-CR0-72-B

- - - - -
January 11, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

BY THE COURT:*

Stanley Knox appeals the district court's order requiring that he be detained pending trial. The notice of appeal was filed two days late. This court previously remanded the case for a finding whether the time for filing the notice of appeal should be extended because of excusable neglect. See United States v. Golding, 739 F.2d 183, 184 (5th Cir. 1984). The district court found that Knox's "counsel confused the rules pertaining to appealing orders of the district court with Rule 26(c), Fed. R. App. P, and that the defendant's untimely notice of appeal was due to excusable neglect."

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

"`[I]nadvertence, ignorance of the rules, or mistakes construing the rules do not usually constitute excusable neglect. . . ." United States v. Clark, 51 U.S. 42, 43 (5th Cir. 1995) (quoting Pioneer Inv. Servs., Co. v. Brunswick Assocs. Ltd. Partnership, 113 S. Ct. 1489, 1496 (1993)). The respondent does not challenge the district court's finding, however, and the merits of the appeal are virtually frivolous. Knox has failed to rebut the statutory presumption that no condition or combination of conditions will reasonably assure the safety of the community if he is released. Knox has thus not shown that the district court abused its discretion in ordering him detained pending trial.

AFFIRMED.