

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 29, 2022

Lyle W. Cayce
Clerk

No. 22-50657
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JULIO CESAR ROMERO-CARREON,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:22-CR-539-1

Before HIGGINBOTHAM, GRAVES, and HO, *Circuit Judges.*

PER CURIAM:*

Julio Cesar Romero-Carreon was charged with an offense pursuant to 18 U.S.C. § 1546(a). He appeals an order by the district court affirming the magistrate judge's order of detention and requiring him to remain detained pending trial.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Romero-Carreon argues that the district court abused its discretion in affirming the magistrate judge's order of detention. He contends that proper consideration of the 18 U.S.C. § 3142(g) factors supports that his appearance could have been reasonably assured by conditions of pretrial release. Also, he asserts that the district court erred in its treatment and consideration of his immigration status.

We apply a deferential standard of review when considering a district court's pretrial detention order. *See United States v. Rueben*, 974 F.2d 580, 586 (5th Cir. 1992); *United States v. Hare*, 873 F.2d 796, 798 (5th Cir. 1989). Reviewing the record as a whole under this deferential standard of review, we conclude that Romero-Carreon is not entitled to relief. A preponderance of the evidence supports that he is a flight risk and that no conditions reasonably could assure his appearance at trial. *See* § 3142(e); *United States v. Fortna*, 769 F.2d 243, 250 (5th Cir. 1985). The district court's detention decision is specifically supported by three of the four § 3142(g) factors: the weight of the evidence, the nature and circumstances of the offense charged, and the defendant's history and characteristics. Thus, we find no abuse of discretion by the district court in ordering Romero-Carreon detained pending trial. *See Rueben*, 974 F.2d at 586; *Hare*, 873 F.2d at 798.

AFFIRMED.