

United States Court of Appeals for the Fifth Circuit

No. 26-20202
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 25, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

NOUR GHAZI,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CR-389-2

Before SMITH, SOUTHWICK, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

A grand jury charged Nour Ghazi with conspiring to distribute and to possess with the intent to distribute five kilograms or more of cocaine. He appeals the district court's order denying his motion for release pending trial.

Ghazi contends that the district court's decision is unsupported by the record and that the court should have discredited the testimony of the

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 26-20202

Government's witness. However, Ghazi has not shown that crediting that testimony was clearly erroneous, *see United States v. Aron*, 904 F.2d 221, 224 (5th Cir. 1990), and he otherwise correctly concedes that hearsay testimony may be considered at a detention hearing, *see United States v. Fortna*, 769 F.2d 243, 249-50 (5th Cir. 1985). Based on our review, we hold that the evidence as a whole supports the district court's decision. *See United States v. Rueben*, 974 F.2d 580, 586 (5th Cir. 1992).

To the extent Ghazi argues that the district court did not consider his proposed alternatives or explain its decision, the record belies his contention. The court here heard Ghazi's mitigating arguments and orally explained its ruling at the conclusion of the detention hearing. *See* FED. R. APP. P. 9(a)(1). Finally, Ghazi's contentions about the immigration detainer miss the mark, as the court did not mention the detainer when denying pretrial release. While the court did consider Ghazi's alienage, we reject the argument that doing so constitutes an abuse of discretion. *See United States v. Esquivel-Bataz*, 155 F.4th 491, 493-94 (5th Cir. 2025).

AFFIRMED.