

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

United States Court of Appeals
Fifth Circuit

FILED

July 8, 2011

Lyle W. Cayce
Clerk

No. 11-20407
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

RICHARD M. PLATO,

Defendant - Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CR-263-1

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Richard M. Plato appeals the district court's affirmance of the magistrate judge's order of pretrial detention. Absent an error of law, we will uphold a district court's pretrial detention order if it is supported by the proceedings in that court, a deferential standard of review that equates to an abuse of discretion standard. *United States v. Rueben*, 974 F.2d 580, 586 (5th Cir. 1992).

Plato has not shown that the district court made an error of law. The district court's determination that the Government had shown by a

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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preponderance of the evidence that no condition or combination of conditions could reasonably assure Plato's presence at trial is supported by the record. *See* 18 U.S.C. § 3142; *United States v. Westbrook*, 780 F.2d 1185, 1189-90 (5th Cir. 1986). Accordingly, the pretrial detention order is AFFIRMED.