

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

United States Court of Appeals  
Fifth Circuit

**FILED**

July 12, 2013

Lyle W. Cayce  
Clerk

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No. 13-50484  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RUSSELL ALLEN ERXLEBEN,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:13-CR-29-1

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Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

A magistrate judge ordered Russell Allen Erxleben detained pending trial for wire fraud, engaging in a monetary transaction in criminally derived property, and securities fraud. *See* 18 U.S.C. § 3142(c). A person ordered detained by a magistrate judge is to seek review in the district court by filing “a motion for revocation or amendment of the order.” 18 U.S.C. § 3145(b); *see United States v. Gage*, 990 F.2d 625 at \*1 (5th Cir. 1993) (unpublished); 5TH

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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CIR. R. 47.5.3. Instead of seeking such review, Erxleben moves in this court for revocation of the magistrate judge's order. We, however, lack jurisdiction to grant the requested relief. *See Gage*, 990 F.2d at 625. Consequently, Erxleben's appeal is DISMISSED.