

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 18, 2009

Charles R. Fulbruge III
Clerk

No. 09-40679

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DAVID ALLAN VOGEL,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:08-CR-224-1

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Defendant-Appellant David Allan Vogel appeals from the district court's order revoking his pretrial release and ordering his detention pending trial pursuant to 18 U.S.C. § 3148(b). After reviewing the record, we have determined that the district court's order revoking pretrial release is supported by the proceedings below and the factual basis of the decision is not clearly erroneous. *See United States v. Aron*, 904 F.2d 221, 223 (5th Cir.1990). We therefore affirm the order of detention pending trial and revoking pretrial release. Vogel's

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

motion for release pending appeal pursuant to Federal Rule of Appellate Procedure 9(a)(3) is DENIED.

AFFIRMED.