

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

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2013

Lyle W. Cayce
Clerk

No. 13-50962
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

RUSSELL ALLEN ERXLEBEN,

Defendant-Appellant

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

Before WIENER, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Russell Allen Erxleben is charged with wire fraud, engaging in a monetary transaction in criminally derived property valued at more than \$10,000, and securities fraud. *See* 18 U.S.C. §§ 1343, 1957; 15 U.S.C. §§ 78j(b), 78ff; 17 C.F.R. § 240.10b-5. He appeals an order of detention.

The evidence as a whole supports the determination that there is a serious risk that Erxleben will obstruct or attempt to obstruct the due

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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administration of justice by interfering with witnesses and that there are no conditions of release that would reasonably assure the district court that he would not do so if released pending trial. *See* 18 U.S.C. §§ 1503, 3142; *United States v. Rueben*, 974 F.2d 580, 586 (5th Cir. 1992).

AFFIRMED.