

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUL 20 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FREDERICK SCOTT SALYER,

Defendant - Appellant.

No. 10-10195

D.C. No. 2:10-cr-00061-LKK-1
Eastern District of California,
Sacramento

ORDER

Before: REINHARDT, RYMER and TASHIMA, Circuit Judges.

This is an appeal from the district court's pretrial detention order denying appellant's motion for release, and denying appellant's motion for reconsideration.

We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291.

Appellant's request for judicial notice is granted.

We review the district court's factual findings concerning risk of flight under a "deferential, clearly erroneous standard." *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990). The conclusions based on such factual findings, however, present a mixed question of fact and law. *Id.* Thus, "the question of whether the district court's factual determinations justify the pretrial detention

order is reviewed de novo.” *United States v. Hir*, 517 F.3d 1081, 1086-87 (9th Cir. 2008) (citations omitted).

The district court correctly determined that appellant did not provide sufficient support for the bond under the detention order.

We therefore affirm the district court.

AFFIRMED.