

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-2125  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTHONY JEROME GAGE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
CR H 92 137 31

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March 22, 1993

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

A magistrate judge in Houston has ordered that defendant Anthony Jerome Gage be detained pending his trial for racketeering and cocaine charges. The magistrate judge's order for pretrial detention, entered January 12, 1993, was founded on 18 U.S.C. § 3142(c). The statute requires Gage to seek review in the district court. 18 U.S.C. § 3145(b). Instead, he filed a motion

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

to review the order of detention with this court. The government has filed a motion to dismiss for lack of jurisdiction as well as a brief on the merits. The government's motion to dismiss is plainly correct. Section 3145(b) requires a person who has been ordered detained to "file, with the court having original jurisdiction over the offense, a motion for revocation or amendment of the order." Any subsequent appeal by a defendant is governed by 28 U.S.C. § 1291. 18 U.S.C. § 3145(c).

This court lacks jurisdiction over the order entered by the magistrate judge. Gage's motion in this court is therefore DISMISSED.