

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10515

Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RONALD W. HUGHES, SR.

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Texas
(3:94 CR 075 X 2)

July 3, 1995

Before KING, JOLLY, and DEMOSS, Circuit Judges.

PER CURIAM:*

Construing the application of defendant-appellant Ronald W. Hughes for release pending sentencing as an appeal of the district court's order denying release, 18 U.S.C. § 3145(c); Fed.R.App.P. 9(a); Fifth Circuit Policy 14(f), the district court's order is AFFIRMED. A district court's finding that a defendant poses a risk

*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 Pursuant to that Rule, the court has determined that this opinion should not be published.

of flight is a factual finding that is reviewed for clear error. See United States v. Cantu-Salinas, 789 F.2d 1145, 1145 & n.1 (5th Cir. 1986) (order denying release pending trial). A factual finding is not clearly erroneous as long as it is plausible in light of the record of the case as a whole. United States v. Maseratti, 1 F.3d 330, 340 (5th Cir. 1993), cert. denied, 114 S. Ct. 1096, and cert. denied, 114 S. Ct. 1552, and cert. denied, 115 S. Ct. 282 (1994). We are not persuaded, based on the material that Hughes has submitted with his application, that the district court's finding that Hughes poses a flight risk is clearly erroneous.

AFFIRMED.