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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JESUS FAUSTO MARISCAL,**

**Defendant.**

**REPORT AND RECOMMENDATION**

**Case No. 2:15-cr-00411-TC**

**District Judge Tena Campbell**

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On December 22, 2015, this court held a hearing on Defendant Jesus Fausto Mariscal's ("Defendant") motion for review of detention.<sup>1</sup> Stephen McCaughey appeared for Defendant. S. Michael Gadd appeared on behalf of the United States of America. An interpreter was also present. Defendant is currently detained pending trial pursuant to an order of detention by Magistrate Judge David T. Bristow of the District Court for the Central District of California. Accordingly, this court held the review of detention hearing and issues this report and recommendation.

At the hearing, Defendant's counsel presented arguments for releasing Defendant, but did not provide actual changes of circumstance. Defendant is accused of violating the Controlled Substances Act, and thus is required to rebut the statutory presumption "that no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of the community." 18 U.S.C. § 3142(e)(3). Defendant failed to provide any evidence

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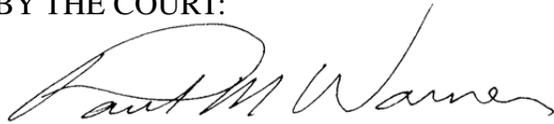
<sup>1</sup> Docket no. 25.

sufficient to rebut the presumption. In addition, the court finds that Defendant's previous criminal history and close ties with Mexico make him a significant flight risk and a risk to the safety of the community. The court further finds that these risks are not manageable by any combination of conditions.

For the foregoing reasons, **IT IS HEREBY RECOMMENDED** that Defendant's motion be denied and that Defendant continue to be detained.

DATED this 22nd day of December, 2015.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner", written in black ink. The signature is positioned above a horizontal line.

PAUL M. WARNER  
United States Magistrate Judge