

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-3090

September Term, 2022

1:21-cr-00083-TNM-1

Filed On: May 25, 2023

United States of America,

Appellee

v.

Brandon Fellows,

Appellant

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Millett, Pillard, and Rao, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the memoranda of law and fact filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See D.C. Cir. Rule 36. It is

ORDERED AND ADJUDGED that the district court's July 15, 2021, oral ruling revoking appellant's pretrial release and ordering him detained and the district court's November 2, 2022, oral ruling denying appellant's motion for reconsideration be affirmed. Appellant has not challenged the factual basis for the district court's findings that clear and convincing evidence showed that he had violated conditions of his pretrial release. See 18 U.S.C. § 3148(b)(1)(B). Appellant has also not challenged appellee's assertion that the district court's determination that appellant was unlikely to abide by any condition or combination of conditions of release, 18 U.S.C. § 3148(b)(2)(B), should be reviewed for clear error. Cf. United States v. Manafort, 897 F.3d 340, 345-46 (D.C. Cir. 2018) (noting that standard of review is open question but employing clear error standard based on parties' agreement). The district court did not err in making that determination, and thus in revoking appellant's pretrial release.

The district court also did not abuse its discretion by concluding that a mental health evaluation, absent any plan to treat the issues identified therein, did not warrant reconsideration of its decision. Moreover, appellant has not argued that the length of his detention constitutes a violation of due process, see generally United States v.

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Salerno, 481 U.S. 739, 747 n.4 (1987), or the Speedy Trial Act, 18 U.S.C. § 3161, et seq., cf. United States v. Colombo, 777 F.2d 96, 100-101 (2d Cir. 1985).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after the resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk