

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENITO MENDEZ-VILLALBA,

Defendant.

ORDER OF DETENTION
PENDING TRIAL

08-cr-147-bbc

At the October 9, 2008 arraignment the government moved pursuant to 18 U.S.C. §3142(f) to detain defendant Benito Mendez-Villalba pending further proceedings in this illegal re-entry case. Defendant is not contesting the government's motion at this time but he has reserved his right to a substantive hearing if his circumstances change. In light of this, I found that defendant is a flight risk based on the currently uncontested information contained in the record. It would be the government's de novo burden at any subsequent hearing to establish grounds for detention pursuant to § 3142.

It is ORDERED that the defendant is committed to the custody of the United States Marshals Service for confinement at a proximate jail separate from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with his attorney. On order of this court or on request of an attorney for the Government, the jail shall deliver the defendant to the Marshals Service for the purpose of an appearance in this case.

Date: October 14, 2008

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge