

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 22 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

AARON THOMAS MITCHELL,

Defendant-Appellant.

No. 22-10268

D.C. No.

4:22-cr-01545-RM-EJM-1

District of Arizona,

Tucson

ORDER

Before: McKEOWN, WARDLAW, and W. FLETCHER, Circuit Judges.

This is an appeal from the district court’s pretrial detention order. We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291.

We review the district court’s factual findings concerning the danger that appellant poses to the community under a “deferential, clearly erroneous standard.” *United States v. Hir*, 517 F.3d 1081, 1086 (9th Cir. 2008) (quoting *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990)). The conclusions based on such factual findings, however, present a mixed question of fact and law. *Hir*, 517 F.3d at 1086. Thus, “the question of whether the district court’s factual determinations justify the pretrial detention order is reviewed de novo.” *Id.* at 1086-87 (citations omitted).

The district court correctly found that the government has met its burden of showing, by clear and convincing evidence, that “no condition or combination of

conditions will reasonably assure . . . the safety of . . . the community,” 18 U.S.C. § 3142(e), and that appellant therefore poses a danger to the community. *See Hir*, 517 F.3d at 1094. We therefore affirm the district court’s pretrial detention order.

AFFIRMED.