UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7360

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KELVIN DEWITT GOODE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:07-cr-00298-REP-1)

Submitted: October 30, 2012 Decided: November 8, 2012

Before WILKINSON, NIEMEYER, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kelvin Dewitt Goode, Appellant Pro Se. Elizabeth Wu, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

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PER CURIAM:

Kelvin Dewitt Goode appeals the district court's order denying his motion to amend the magistrate judge's order that he be detained pending a hearing on the revocation of his supervised release, pursuant to Fed. R. Crim. P. 32.1(a)(6). Finding no error, we affirm.

In order to qualify for the release he requested, Goode was required to produce clear and convincing evidence that he is not a flight risk or a danger to the community. 18 U.S.C. § 3143(a)(1) (2006), Fed. R. Crim. P. 32.1(a)(6). Once a magistrate judge has found that a defendant is not eligible for release under § 3143(a)(1), a district court's review of that determination is de novo. United States v. Clark, 865 F.2d 1433, 1437 (4th Cir. 1989). On appeal from the district court's review, we examine its findings for clear error. United States v. Williams, 753 F.2d 329, 333 (4th Cir. 1985).

Our review of the record leads us to conclude that the evidence supported the district court's conclusions that Goode posed a threat to the community and was a flight risk. Moreover, Goode's identification of the various hardships his incarceration places on him and his family is insufficient to overcome the presumption that he be detained. See United States v. Lea, 360 F.3d 401, 403-04 (2d Cir. 2004) (circumstances that are purely personal to defendant do not warrant relief from

detention under 18 U.S.C. § 3143(a)(1)). Thus the district court did not err in refusing to order Goode's release pending his revocation hearing.

Further, to the extent that Goode seeks to appeal the district court's order denying his motions for reconsideration, we find that he has failed to properly note an appeal from that order and, therefore, that we are without jurisdiction to consider its propriety. See Nolan v. U.S. Dep't of Justice, 973 F.2d 843, 846-47 (10th Cir. 1992).

Accordingly, we affirm the district court's order. We direct the Clerk to enter the mandate forthwith. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED