

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MELCHOR RAMIREZ-CHAVEZ,

Defendant.

4:17CR3067

ORDER

Defendant has moved for release on conditions, explaining that he did not provide a pretrial services interview, the “information in the Detention Order . . . is not entirely accurate,” and there are third party custodians available and willing to assist with Defendant’s release. (Filing No. 22).

Although Defendant’s brief includes many statements about Defendant’s background, those facts are not within any Pretrial Services Report. And while Defendant claims the court relied in erroneous facts when ordered detention, the detention order states that Defendant “abuses mood-altering chemicals and is likely to continue such conduct and violate the law if released; is not a United States citizen, is subject to an ICE detainer, and faces deportation; [and] presented no evidence opposing detention. . . .” All such facts are supported by the criminal history within, and the documents attached to, Defendant’s Pretrial Services Report.

Defendant was not interviewed by Pretrial Services prior to his initial appearance, so the report does not include information about Defendant’s background other than information of public record. A Pretrial Services interview

can be requested by Defendant or his counsel, but it is not initiated by Pretrial Services as a matter of course in cases such as this one.

The Pretrial Services interview provides the court with information to assess the risk of nonappearance and risk of danger to the public if Defendant is released, along with any conditions of release which may sufficiently ameliorate those risks. Absent that interview and the associated Pretrial Services Report, the court lacks sufficient facts to weigh the risks and impose appropriate release conditions, including release to a third-party custodian.

Accordingly,

IT IS ORDERED that Defendant's motion for release, (Filing No. 22), is denied without prejudice to re-filing after Defendant submits to a Pretrial Services interview.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge