

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	Case No. 8:17CR59
Plaintiff,)	
)	
vs.)	
)	ORDER
HEATHER FRANCK,)	
)	
Defendant.)	

This case is before the court on the defendant Heather Franck's Motion for Review of Detention Order (#20). The defendant moves the court for an order placing her in inpatient treatment at the NOVA Treatment Community. The motion is denied without hearing.

A review of the defendant's docket shows the defendant is currently charged with possession with intent to distribute methamphetamine, punishable by up to twenty years' imprisonment, a fine not to exceed one million dollars, a minimum of three years of supervised release, and a \$100 special assessment. The proposed release fails to address the court's concerns as set out in the March 3, 2017, Detention Order Pending Trial (#14), including the defendant's significant prior criminal record, a record of failures to appear, and the incidents reports from Douglas County Corrections from February 27, 2014 through November 17, 2016. It also should be noted that the defendant participated in outpatient treatment twelve years ago and successfully completed Douglas County Drug Court in 2002.

Given the defendant's substantial criminal record, her prior treatment opportunities, the defendant's proposed release to NOVA fails to mitigate the court's concern as to flight and danger, and fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

IT IS ORDERED: The Defendant's Motion for Review of Detention Order (#20) is denied without hearing.

Dated this 7th day of April 2017.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge