

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.10-10080-02 EFM

MATTHEW W. HUTCHINSON,

Defendant.

MEMORANDUM AND ORDER

On May 13, 2010, Magistrate Judge Bostwick ordered the defendant detained pending trial (Doc. 14). The Detention Order followed a detention hearing, and made a thorough analysis of the pertinent factors. Defendant has now filed a “Motion for Bond” (Doc. 66). The Motion’s opening statement represents that the motion is a motion to reconsider based upon a change in status, or, in the alternative, an appeal from the detention order. As the United States notes in its response, defendant is clearly out of time to appeal the Magistrate Judge’s detention order, so the Court treats this Motion as one for reconsideration based upon a change in status.

18 U.S.C. § 3142(f) permits a detention hearing to be reopened upon a finding that information exists that was not known at the time of the detention hearing, and “that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.” For change in status, the defendant proffers that he is no longer under parole supervision in state court,

and that he is expecting his first child. Defendant then repeats essentially the same arguments he initially made to the Magistrate Judge for detention.

Neither of the factors cited by defendant have a material bearing on the issue of defendant's release. Neither were relied upon in the Magistrate Judge's detention order. None of the factors cited by the Magistrate Judge are rebutted or addressed in the instant motion. The detention order noted that, due to the nature of the charges against defendant, a rebuttable presumption for detention arose, and that the defendant had not rebutted the presumption. Defendant's instant filing does nothing to change the state of affairs found by the Magistrate Judge.

IT IS THEREFORE ORDERED that Defendant's Motion for Bond (Doc. 66) is hereby DENIED.

IT IS SO ORDERED.

Dated this 19th day of August, 2010, in Wichita, Kansas.

/s Eric F. Melgren
ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE