

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

MAR 6 2020

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MICHAEL J. AVENATTI, AKA Michael  
John Avenatti,

Defendant-Appellant.

No. 20-50017

D.C. No.

8:19-cr-00061-JVS-1

Central District of California,  
Santa Ana

ORDER

Before: TASHIMA, FRIEDLAND, and MILLER, Circuit Judges.

This is an appeal from the district court’s revocation of appellant’s pretrial release 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 under a “deferential, clearly erroneous standard.” *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. *United States v. Hir*, 517 F.3d 1081, 1086 (9th Cir. 2008). 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 had established probable cause to believe that appellant had committed a crime while on supervised release. 18 U.S.C. § 3148(b)(1)(A). The district court also correctly found that appellant failed to rebut the presumption that “no condition or combination of conditions will assure . . . the safety of . . . the community.” 18 U.S.C. § 3148. We therefore affirm the district court’s order revoking appellant’s pretrial release.

**AFFIRMED.**