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**FILED**

SEP 25 2012

**RICHARD W. WIEKING**  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 UNITED STATES OF AMERICA, )  
15 Plaintiff, )  
16 v. )  
17 ALIK D. ILYIN, )  
18 Defendant. )  
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No. CR-12-0467 RS  
[PROPOSED] ORDER DETAINING  
DEFENDANT ALIK D. ILYIN PENDING  
TRIAL  
Hearing Date: May 30, 2012  
Time: 9:30 a.m.  
Court: Hon. Joseph C. Spero

21 Defendant ALIK D. ILYIN was charged via Complaint with possession with intent to  
22 distribute and distribution of methamphetamine in violation of 21 U.S.C. § 841(a)(1). The  
23 United States moved for defendant's detention pursuant to 18 U.S.C. § 3142, and asked for a  
24 detention hearing, as permitted by 18 U.S.C. § 3142(f). Given the nature of the crime charged,  
25 there is a rebuttable presumption in this case that no conditions or combination of conditions will  
26 reasonably assure the appearance of defendant as required and the safety of any other person and  
27 the community. See 18 U.S.C. § 3142(e)(3)(A). On May 30, 2012, this Court heard the

1 arguments of the parties. Mr. Ilyin was present and represented by counsel. Following the  
2 hearing pursuant to 18 U.S.C. § 3142(f), and considering the Pretrial Services report, the criminal  
3 complaint filed in this case, and the factors set forth in 18 U.S.C. § 3142(g), the Court ordered  
4 defendant detained, as no condition or combination of conditions in 18 U.S.C. § 3142(c) will  
5 reasonably assure the appearance of defendant as required and the safety of any other person and  
6 the community. See 18 U.S.C. §§ 3142(e) and (f); United States v. Motamedi, 767 F.2d 1403,  
7 1406 (9th Cir. 1985).

8 In particular, the Court noted: 1) the defendant's numerous prior failures to appear in  
9 court in other matters, 2) his violent criminal conviction history, 3) the defendant's prior  
10 violations of parole, 4) the fact that the defendant was found in the possession of police  
11 identification badges at the time of his arrest, and 4) the defendant's lack of viable sureties.

12 The defendant reserved the right to present information at a future bail hearing should his  
13 circumstances change. See 18 U.S.C. § 3142(f) ("The hearing may be reopened, before or after a  
14 determination by the judicial officer, at any time before trial if the judicial officer finds that  
15 information exists that was not known to the movant at the time of the hearing and that has a  
16 material bearing on the issue whether there are conditions of release that will reasonably assure  
17 the appearance of such person as required and the safety of any other person and the  
18 community.").

19  
20 **ORDER**

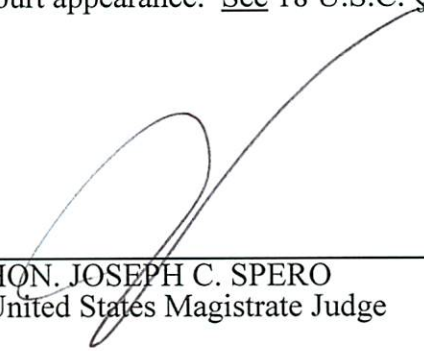
21 Defendant is ordered detained, effective May 30, 2012, as no condition or combination  
22 of conditions in 18 U.S.C. § 3142(c) will reasonably assure the appearance of defendant as  
23 required and the safety of any other person and the community. Because the defendant reserved  
24 the right to present information at a future bail hearing should his circumstances change pursuant  
25 to 18 U.S.C. § 3142(f), the Court orders that the hearing may be reopened at defendant's request  
26 at a future time should his circumstances change.

27 Defendant is committed to the custody of the Attorney General or a designated  
28 representative for confinement in a corrections facility separate, to the extent practicable, from

1 persons awaiting or serving sentences or held in custody pending appeal. See 18 U.S.C. §  
2 3142(i)(2). Defendant must be afforded a reasonable opportunity to consult privately with  
3 counsel. See 18 U.S.C. § 3142(i)(3). On order of a court of the United States or on request of an  
4 attorney for the government, the person in charge of the corrections facility must deliver  
5 defendant to the United States Marshal for a court appearance. See 18 U.S.C. § 3142(i)(4).

6 IT IS SO ORDERED.

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9 DATED: September 25, 2012

  
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HON. JOSEPH C. SPERO  
United States Magistrate Judge

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