

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-4089**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN RAMON MEDRANO-SORTO,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Anthony J. Trenga, District Judge. (1:09-cr-00346-AJT-1)

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Submitted: November 17, 2010

Decided: December 20, 2010

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Before DUNCAN, AGEE, and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Michael S. Nachmanoff, Federal Public Defender, Frances H. Pratt, Kevin R. Brehm, Assistant Federal Public Defenders, Alexandria, Virginia, for Appellant. Neil H. MacBride, United States Attorney, Michelle C. Brice, Special Assistant United States Attorney, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Juan Ramon Medrano-Sorto appeals his conviction after a bench trial for illegal reentry subsequent to a conviction of an aggravated felony in violation of 8 U.S.C. § 1326(a), (b)(2) (2006). On appeal, Medrano-Sorto contends that the district court erred in denying his motion to dismiss the indictment for violation of the Speedy Trial Act. We affirm.

We review de novo the district court's interpretation of the Speedy Trial Act, and we review the court's related factual findings for clear error. United States v. Rodriguez-Amaya, 521 F.3d 437, 440 (4th Cir. 2008). The Speedy Trial Act provides that "[a]ny information or indictment charging an individual with the commission of an offense shall be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges." 18 U.S.C. § 3161(b) (2006). "Offense" means "any Federal criminal offense which is in violation of any Act of Congress and is triable by any court established by Act of Congress." 18 U.S.C. § 3172(2) (2006). If the thirty-day time limit is not met, the charge "shall be dismissed." 18 U.S.C. § 3162(a)(1) (2006).

Medrano-Sorto was served with the arrest warrant charging him with the instant criminal offense and taken into custody by the United States Marshal on July 1, 2009. He was

indicted twenty-nine days later, on July 30, 2009. Medrano-Sorto argues, however, that the thirty-day period under the Speedy Trial Act began on June 11, 2009, while he was detained in the custody of Immigration and Customs Enforcement (ICE) officials who were processing his administrative deportation back to El Salvador.

We have held that the Speedy Trial Act does not apply to ICE administrative detention, since the plain language of the Act limits its coverage to persons detained in connection with a federal criminal arrest. Rodriguez-Amaya, 521 F.3d at 441. However, we have also held that the Speedy Trial Act includes a ruse exception, such that the Act's time limits are triggered when the primary or exclusive purpose of the civil detention was to hold a defendant for future criminal prosecution. Id. at 442. We have further held that civil detainees bear the burden of proving the exception applies in a given case. Id.

In this case, Medrano-Sorto argues that the thirty-day time limit was triggered on June 11, 2009, when his final order of removal went into effect, contending that the purpose of his detention at that point was for future criminal prosecution. However, as the district court noted, there was no evidence that work on his administrative deportation ceased on that date. Nor was there any evidence of collusion between ICE and the Government for the purpose of bypassing the Act's requirements.

We thus conclude that the district court did not clearly err in finding that Medrano-Sorto failed to meet his burden of proving that the primary or exclusive purpose of his detention by ICE was to hold him for future criminal prosecution.

We accordingly affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED