

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case. No. 3:16-00051-BR
)	
v.)	
)	ORDER ON MOTION FOR
AMMON BUNDY, RYAN BUNDY)	RELEASE FROM PRETRIAL
)	DETENTION
Defendants.)	
)	

Jones, J.

Defendants Ammon and Ryan Bundy appeared before this court on their Joint Motion to Revoke Detention Orders and Motion for Pretrial Release (#892). After hearing argument from the parties, I make the following findings.

Ammon Bundy and Ryan Bundy each has a wife and children, a home and a business to attend. Neither man possesses a passport. Defendants have strong ties to family and their father, who led an armed standoff in Bunkerville, Nevada in 2014. Defendants participated in that purportedly illegal activity and are now on court detainer from the Nevada federal court.

Two years after the activities in Nevada, Ammon and Ryan Bundy concede that they were the instigators and leaders of the group that occupied the Malheur Wildlife Refuge, which they named the "Citizens for Constitutional Freedom." The group was armed with weaponry with which to resist intervention by federal authorities. Authorities seized over 50 firearms,

6000 rounds of live ammunition and 1000 rounds of spent shell casings from the Malheur site following the occupation. Defendants directed the group to set up a perimeter to control ingress and egress. They posted military-style armed personnel to create and patrol a perimeter of the site and to man an overlook tower. Ammon Bundy cut down a government fence at the refuge. Defendants ignored requests to disperse. They based their actions on their misinterpretation of adverse possession law and their misguided interpretation of criminal and constitutional law.

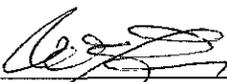
As to Ryan Bundy, he does indeed present some risk of flight as demonstrated by his aborted attempt to escape custody. In Ryan Bundy's cell, jail personnel found a rope made with multiple sheets tied together, additional strips of torn sheets, extra pillow cases, towels, clothing and food. I reject his excuse that he was practicing braiding.

While I find they do not pose a risk of fleeing the country, I find their participation in the armed standoff in Nevada and the fact that they condoned the use of an arsenal of weapons at the Malheur Wildlife Refuge demonstrate they believe they are justified in refusing lawful federal orders. Furthermore, they believe that placing an armed force between officials seeking to enforce lawful orders and themselves is justified by their interpretation of the Constitution.

Thus, I find it likely that if released, they may well ignore the conditions of release imposed by this court and enforced by a federal pretrial services officer. They may fail to appear for court hearings and trial. More dangerously, they may attempt to recruit another standoff or occupation just as in the Nevada episode in 2014 and at the Malheur Wildlife Refuge earlier this year and to resist with armed forces federal authorities enforcing lawful federal orders. These factors are sufficient to satisfy me with clear and convincing evidence that no combination of conditions I can impose would reasonably assure their appearance in court or the safety of the community.

Defendants' Joint Motion to Revoke Detention Orders and Motion for Pretrial Release is DENIED (#892). Ammon Bundy's Motion to Consolidate Pretrial Detention Hearings with the Nevada court (#881) is DENIED and Ryan Bundy's Motion for Joinder to that motion (#893) is MOOT. What the Nevada court does as to its detention order is up to that court without intervention or consolidation with this court. It is so ordered.

Dated this 19th day of July, 2016.



Robert E. Jones, Senior Judge
United States District Court