

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

Plaintiff,

v.

Criminal Action No. 1:06cr4

ROBERT SHAYNE MARSH,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

On January 27, 2006, counsel for the defendant, Robert Shayne Marsh, filed a motion to suppress pursuant to Federal Criminal Procedure rule 12(b)(3)(C) and the Fourth Amendment to the United States Constitution. The Court referred this matter to United States Magistrate Judge John S. Kaul for a report and recommendation.

On February 23, 2006, Judge Kaul issued a Report and Recommendation recommending that the Defendant's Motion to Suppress Evidence Secured in Illegal Search of Defendant's Premises and Motion to Suppress Defendant's Illegally Obtained Statements be denied.

The Report and Recommendation also specifically stated that any party could file objections to the report and recommendation within ten (10) days after being served with a copy of the report and recommendation and warned that failure to file objections would result in a waiver of the right to appeal from a judgment of this Court based upon such report and recommendation. On March 3, 2006,

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the Government responded to the magistrate judge's report and recommendation, stating that it had no objections. On March 7, 2006, the Court held a final pretrial conference in this matter at which defense counsel stated that he did not believe he had any legal basis on which to base an objection to the magistrate judge's report and recommendation. As of March 10, 2006, no objection has been filed by defense counsel.

Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety

It is so **ORDERED**.

The Clerk is directed to transmit copies of this order to counsel of record.

Dated: March 14, 2006.


IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE