

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Action No. 5:08CR22-02
(STAMP)

GERALD ADAMS, III a/k/a GERRY,

Defendant.

**ORDER CONFIRMING PRONOUNCED ORDER OF
THE COURT AFFIRMING REPORT AND
RECOMMENDATION OF MAGISTRATE JUDGE**

On July 30, 2008, the defendant filed a motion to suppress in Criminal Action No. 5:08CR22 any phone calls recorded between the defendant, his attorney, and any member and/or office staff of the attorney's firm. On July 16, 2008, this Court accepted defendant's plea of guilty to a one-count information in the above-styled criminal action. Thereafter, on July 30, 2008, Magistrate Judge James E. Seibert entered a paperless report and recommendation, recommending that the motion to suppress be denied as moot because of the defendant's guilty plea. The plaintiff filed no objections to the report and recommendation. Because the parties did not object to the report and recommendation of the magistrate judge, and because this Court found that the magistrate judge's recommendation was not clearly erroneous, the ruling of the magistrate judge was hereby AFFIRMED and ADOPTED in its entirety at the defendant's sentencing hearing on September 8, 2008.

This order is confirming the pronounced order of this Court at the defendant's sentencing hearing on September 8, 2008.

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to the defendant, to counsel of record herein, to the United States Probation Office and to the United States Marshals Service.

DATED: September 9, 2008

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE