

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:08CR69
(Judge Keeley)

JEFFREY MIHELICH,

Defendant.

ORDER ADOPTING THE REPORT AND RECOMMENDATION AND
DENYING THE DEFENDANT'S MOTION TO SUPPRESS

On October 3, 2008, the Defendant, Jeffrey Mihelich ("Mihelich"), filed a motion to suppress all evidence obtained during a search of Mihelich's residence at 3 Sumac Court, Apartment 1, Glenville, West Virginia, on September 16, 2007. On November 7, 2008, the Court held a final pre-trial conference at which counsel argued the motion to suppress. For the reasons stated on the record at the final pre-trial conference, the Court adopts the Report and Recommendation of the United States Magistrate Judge John S. Kaul (dkt. no. 19) and, accordingly, **DENIES** Mihelich's motion to suppress (dkt. no. 13).

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to transmit copies of this Order to counsel of record, the Office of Probation and all appropriate agencies.

DATED: November 10, 2008.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE