

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 08-1851

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United States of America,	*	
	*	
Plaintiff–Appellee,	*	Appeal from the United States
	*	District Court for the Eastern
v.	*	District of Missouri.
	*	
Damion M. Wilson,	*	[UNPUBLISHED]
	*	
Defendant–Appellant.	*	

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Submitted: December 10, 2008  
Filed: March 19, 2009

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Before MELLOY and BENTON, Circuit Judges, and DOTY<sup>1</sup>, District Judge.

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PER CURIAM.

Damion M. Wilson pleaded guilty to a single count of distribution of five grams or more of a mixture or substance containing a detectable amount of cocaine base in violation of 21 U.S.C. § 841(a)(1). In the conditional plea agreement, Wilson

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<sup>1</sup> The Honorable David S. Doty, United States District Judge for the District of Minnesota, sitting by designation.

reserved his right to appeal the district court's<sup>2</sup> adverse disposition of his pre-trial motions to dismiss the indictment and suppress evidence.

Wilson's primary argument was that there was a material defect in his federal prosecution because federal authorities had violated the Attorney General's Guidelines Regarding the Use of Confidential Informants ("CI Guidelines"), which were promulgated pursuant to 28 U.S.C. §§ 509, 510, 533. He argued that such a defect warranted dismissal of the indictment because it resulted in an arbitrary and capricious prosecution in violation of his due-process rights. Similarly, Wilson argued that the use of certain evidence in the case violated his Fourth Amendment and due-process rights because it was obtained as a direct result of the CI Guidelines violation.

After review of the overall record, the district court's opinion, and the briefs filed on appeal in this court, we affirm the judgment based upon the well-reasoned opinion of the district court. See 8th Cir. R. 47B.

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<sup>2</sup>The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri, adopting the report and recommendations of the Honorable Lewis M. Blanton, United States Magistrate Judge for the Eastern District of Missouri.