

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	3:05-cr-117JWS
)	
vs.)	
)	ORDER FROM CHAMBERS
SHANNON PRINCE,)	
)	[Re: Motion at docket 17]
Defendants.)	
)	

I. MOTION PRESENTED

At docket 17, defendant Shannon Prince moved to suppress evidence obtained from a warrantless stop, search and arrest which took place on October 19, 2005, in Anchorage, Alaska. The motion was fully briefed, and the magistrate judge filed an initial report and recommendation at docket 25. Prince filed objections at docket 28. The magistrate judge filed a final report and recommendation at docket 32.

II. STANDARD OF REVIEW

The district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.”¹ When reviewing a magistrate judge’s report and recommendation in a case such as this one, the district court conducts *de*

¹28 U.S.C. § 636(b)(1).

novo review of all conclusions of law,² and any findings of fact to which objections have been made.³ Uncontested findings of fact are reviewed for clear error.⁴

III. DISCUSSION

Before deciding the motion, the magistrate judge conducted an evidentiary hearing. A transcript was filed at docket 27. This court has reviewed the file including the transcript of the evidentiary hearing and applied the standard of review articulated above. Based thereon, this court can find no fault with the magistrate judge's final recommended findings and conclusions; Magistrate Judge Roberts correctly found the facts and applied the law in his initial report as modified by his final report. For the preceding reason, this court adopts the findings of fact and conclusions of law recommended by the magistrate judge. Based thereon, the motion at docket 17 is **DENIED**.

DATED at Anchorage, Alaska this 28th day of February, 2006.

/s/
JOHN W. SEDWICK
UNITED STATES DISTRICT JUDGE

²*Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989), *overruled on other grounds by Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996).

³28 U.S.C. § 636(b)(1).

⁴*Taberer v. Armstrong World Industries, Inc.*, 954 F.2d 888, 906 (3d Cir. 1992).