

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	3:06-cr-00022 JWS
)	
vs.)	ORDER FROM CHAMBERS
)	
ROBERT F. KANE,)	(Re: Motion at docket 66)
)	
Defendant.)	
)	

At docket 66, defendant Robert F. Kane (“Kane”) moved to suppress evidence resulting from a search of his residence and vehicle. Magistrate Judge Roberts conducted an evidentiary hearing on April 19, 2006. A transcript was prepared and filed at docket 158. The motion was fully briefed. In his initial report at docket 176, the magistrate judge recommended that the motion be denied. Timely objections and a response thereto were filed. In a final report at docket 220, the magistrate judge continued to recommend that the motion be denied.

When reviewing reports from the magistrate judge, a 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 recommendations, a district court

¹28 U.S.C. § 636(b)(1).

conducts *de 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

This court has reviewed the papers relevant to the motion at docket 66. In doing so it has applied the standard of review set out above. That review discloses that the recommended findings of fact are correct. It also discloses that the recommended application of the law to the facts is correct. For these reasons, this court adopts Magistrate Judge Roberts' recommended findings and conclusions.

The court notes that defendant Kane was given minimal time in which to prepare objections to the report. This appears to be a consequence of the intersection of a case which has generated an enormous motion practice and the constraints of the Speedy Trial Act. Despite the limited time afforded for objections, the court notes that both the objections and the original briefing on behalf of defendant Kane are very well done. This court is confident that the issues have been adequately and vigorously presented.

Based on the findings of fact and conclusions of law which this court has adopted, the motion at docket 66 is **DENIED**.

DATED at Anchorage, Alaska, this 11th day of May 2006.

/s/
JOHN W. SEDWICK
UNITED STATES DISTRICT COURT 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).