

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JOSEPH W. PEEPLES,

Petitioner,

v.

3:17-MC-26
(TJM/ATB)

UNITED STATES OF AMERICA,

Respondent.

Thomas J. McAvoy, SR. U.S.D.J.

DECISION and ORDER

The Court referred this action, which seeks return of property seized pursuant to a search warrant issued in this District, to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. The Report-Recommendation, dated November 3, 2017, recommends that Petitioner's motion, which was brought pursuant to Federal Rule of Criminal Procedure 41(g), be denied.

Petitioner filed objections to the Report-Recommendation. When objections to a magistrate judge's Report-Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further

evidence or recommit the matter to the magistrate judge with instructions.” Id.

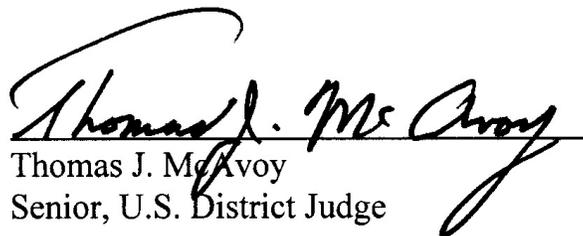
Having reviewed the record *de novo* and having considered the issues raised in the Petitioner’s objections, this Court has determined to accept and adopt the recommendations of Magistrate Judge Baxter for the reasons stated in the Report-Recommendation.

Accordingly:

The Petitioner’s objections to the Report-Recommendation, dkt. # 9, are hereby OVERRULED. The Report-Recommendation, dkt. # 4, is hereby ACCEPTED. The motion for return of property seized pursuant to a search warrant, dkt. # 1, is hereby DENIED. The Clerk of Court is directed to CLOSE the case.

IT IS SO ORDERED

Dated: November 28, 2017


Thomas J. McAvoy
Senior, U.S. District Judge