

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

UNITED STATES OF AMERICA

vs.

CASE NO. 8:10-CR-498-T-17-TBM

CEDRIC RECHE ALLEN  
\_\_\_\_\_ /

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This cause is before the Court on the report and recommendation R&R issued by Magistrate Judge Thomas B. McCoun, on December 5, 2011 (Docket No. 47). The magistrate judge recommends that the Court deny the defendant's motion to suppress (Docket No. 29).

Pursuant to Rule 6.02, Rules of the United States District Court for the Middle District of Florida, the parties had fourteen (14) days after service to file written objections to the proposed findings and recommendations, or be barred from attacking the factual findings on appeal. **Nettles v. Wainwright**, 677 F.2d 404 (5th Cir. 1982) (en banc). To date no objections have been filed.

**STANDARD OF REVIEW**

When a party makes a timely and specific objection to a finding of fact in the report and recommendation, the district court should make a de novo review of the record with respect to that factual issue. 28 U.S.C. § 636(b)(1); **U.S. v. Raddatz**, 447 U.S. 667 (1980); **Jeffrey S. v. State Board of Education of State of Georgia**, 896 f.2d 507 (11th Cir. 1990). However, when no timely and specific objections are filed, case law indicates that the court should review the findings using a clearly erroneous standard. **Gropp v. United Airlines**,

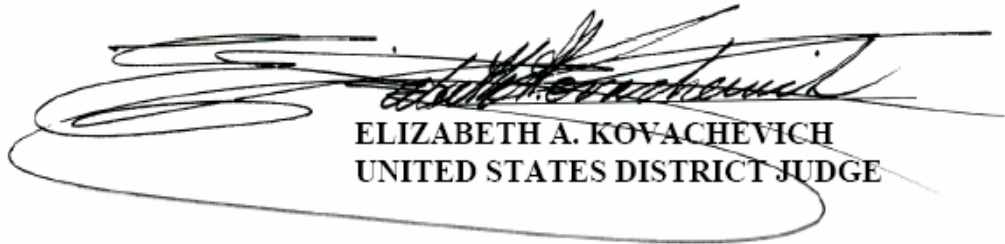
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Inc., 817 F.Supp. 1558, 1562 (M.D. Fla. 1993).

The Court has reviewed the report and recommendation and made an independent review of the record. Upon due consideration, the Court concurs with the report and recommendation as follows. Accordingly, it is

**ORDERED** that the report and recommendation, dated December 5, 2011, be **adopted** and **incorporated by reference and** the defendant's motion to suppress (Docket No. 29) be **denied**.

**DONE and ORDERED** in Chambers, in Tampa, Florida, this 31st day of January, 2012.



ELIZABETH A. KOVACHEVICH  
UNITED STATES DISTRICT JUDGE

Copies to:  
All parties and counsel of record  
Assigned Magistrate Judge