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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
TRACEY BROWN,  
  
Defendant.

Case No. 2:11-cr-0334-APG-GWF  
  
**ORDER ACCEPTING MAGISTRATE  
JUDGE'S REPORT AND  
RECOMMENDATION ON MOTION TO  
SUPPRESS**

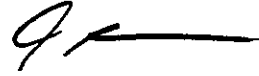
On January 17, 2013, defendant Tracey Brown filed a motion [Dkt #54] to (1) suppress evidence obtained from a July 26, 2011 traffic stop of a vehicle in which he was a passenger, and (2) suppress an identification of Brown by a potential witness. After briefing and an evidentiary hearing on the Motion, on October 4, 2013 Magistrate Judge Foley entered his Report and Recommendation [Dkt #93] recommending that the motion should be denied. Brown filed an Objection to the Report and Recommendation [Dkt #94].

Pursuant to Local Rule IB 3-2(b), the court has conducted a *de novo* review of the motion, Report and Recommendation, and related papers. The court finds no reason to overturn Magistrate Judge Foley's Report and Recommendation. Further, with regard to the issue whether Defendant Brown has standing to challenge the search of the vehicle [Dkt. #93 at 6:8-7:13], Defendant Brown notes in his Objection that he does not challenge the search of the vehicle, but rather challenges only the initial stop of the vehicle. [Dkt. #94 at 4:15-25]. Because the initial stop was valid, this section of the Report and Recommendation may be considered *dicta*. Nevertheless, the Court agrees with Magistrate Judge Foley's analysis therein. Accordingly,

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**IT IS HEREBY ORDERED** that Magistrate Judge Foley’s Report and Recommendation is accepted and approved in its entirety. Magistrate Judge Foley’s detailed analysis is adopted.

Dated: December 9, 2013.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE