

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,

v.

CRAIG ALAN CASTANEDA,

Defendant.

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1:15-CR-00213-ELR-LTW

O R D E R

This matter is before the Court for consideration of Magistrate Judge Linda D. Walker's Report and Recommendation ("R&R") [Doc. 104] to deny Defendant's motions to suppress evidence [Docs. 30, 41] and motions to dismiss the indictment [Docs. 73, 76]. In the time period allotted for the parties to object to the R&R, Defendant, by and through counsel, filed objections [Doc 107]. For the following reasons, the Court **ADOPTS** the R&R and **OVERRULES** Defendant's objections.

The district court reviewing an R&R "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). If neither party objects, the district judge need only review the R&R for clear error and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the

magistrate judge.” Id. A party objecting to an R&R “must specifically identify those findings objected to. Frivolous, conclusive, or general objections need not be considered by the district court.” United States v. Schultz, 565 F.3d 1353, 1361 (11th Cir. 2009) (quoting Marsden v. Moore, 847 F.2d 1536, 1548 (11th Cir. 1988)) (internal quotation marks omitted.). If there are no specific objections made to factual findings made by the magistrate judge, there is no requirement that those findings be reviewed de novo. Garvey v. Vaughn, 993 F.2d 776, 779 n. 9 (11th Cir. 1993). Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge],” 28 U.S.C. § 636(b)(1)(C), and may accept the recommendation if it is not clearly erroneous or contrary to the law. Fed. R. Crim. P. 59. In accordance with 28 U.S.C. § 636(b)(1)(C), and Rule 59 of the Federal Rules of Criminal Procedure, the Court has conducted a *de novo* review of those portions of the R&R to which Defendant objects and has reviewed the remainder of the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

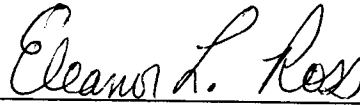
Conclusion

After conducting a *de novo* review of those portions of the R&R to which Defendant objects and reviewing the remainder of the R&R for plain error, this Court finds that the Magistrate Judge’s factual and legal conclusions are correct. Accordingly the Court **OVERRULES** Defendant’s Objections and **ADOPTS** the

R&R as the Opinion and Order of this Court. The Court **DENIES** Defendant's motions to suppress evidence [Docs. 30, 41], and **DENIES** Defendant's motions to dismiss the indictment [Docs. 73, 76].

Defendant is scheduled for trial before the undersigned, to begin September 24, 2018 [Doc. 108].

SO ORDERED, this 9th day of May, 2018.

A handwritten signature in cursive script, reading "Eleanor L. Ross", written over a horizontal line.

Eleanor L. Ross
United States District Judge
Northern District of Georgia