

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

UNITED STATES OF AMERICA

v.

THOMAS W. O'BRIEN,

Defendant.

CRIMINAL ACTION FILE

NO. 1:22-CR-452-MHC-JSA

ORDER

This action comes before the Court on the Final Report and Recommendation (“R&R”) of Magistrate Judge Justin S. Anand [Doc. 27] recommending that Defendant’s Motion to Suppress Statements [Doc. 25] be denied a moot. The Order for Service of the R&R [Doc. 25] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the service of that Order. See also FED. R. CRIM. P. 59(a). No objections have been filed within the permitted time period.

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), and need only satisfy itself that there is no plain error on the face of the record. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir.

1983). The Court has reviewed the R&R and finds no clear error and that the R&R is supported by law.

Accordingly, the Court **ADOPTS** the R&R [Doc. 27] as the Opinion and Order of this Court. It is hereby **ORDERED** that Defendant's Motion to Suppress Statements [Doc. 25] is **DENIED AS MOOT**.

It is further **ORDERED** that the time between the date the Magistrate Judge certified Defendant ready for trial on August 25, 2023, and the issuance of this Order, shall be excluded in calculating the date on which the trial of this case must commence under the Speedy Trial Act because the Court finds that the delay is for good cause, and the interests of justice in considering Defendant's objections to the Report and Recommendation outweigh the right of the public and the right of the Defendant to a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(1)(D) and (h)(7)(B)(iv).

IT IS SO ORDERED this 13th day of September, 2023.



MARK H. COHEN
United States District Judge