

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

UNITED STATES OF AMERICA,

Plaintiffs,

v.

SAMUEL PEREZ-HERRERA,

Defendant.

CRIMINAL ACTION FILE
NO. 1:24-CR-00119-TWT-LTW


ORDER

This is a criminal action. It is before the Court on the Report and Recommendation [Doc. 48] of the Magistrate Judge recommending denying the Defendant's Motion to Suppress [Doc. 22]. The Defendant filed objections to the Report and Recommendation [Doc. 50]. The first objection is that the seizure of Defendant's device violated the Fourth Amendment because law enforcement's collective knowledge did not establish probable cause. However, the argument made by the Defendant in favor of the objection is that the Government did not establish that the confidential source was not shown to be reliable. The search of the Defendant's cellular telephone was pursuant to a search warrant [Doc. 36-61] with abundant evidence to support probable cause of the search. The Magistrate Judge correctly held that "the facts alleged in TFO Dillard's affidavit provide probable cause to search the contents of the Motorola cellphone seized from Perez even assuming it was not the -1400 device." This objection is without merit.

The second objection is that the search warrant affidavit for the Defendant's device contains material omissions and false statements of fact in violation of the Fourth Amendment. For the reasons set forth in the thorough and well-reasoned Report and Recommendation, this objection is without merit.

The Court approves and adopts the Report and Recommendation as the judgment of the Court. The Defendant's Motion to Suppress [Doc. 22] is DENIED.

SO ORDERED, this 12th day of January, 2026.


THOMAS W. THRASH, JR.
United States District Judge