

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL ROBERT BERKA II,

Defendant.

Case No. 1:23-cr-20235

Honorable Thomas L. Ludington  
United States District Judge

Honorable Patricia T. Morris  
United States Magistrate Judge

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**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING GUILTY  
PLEA, AND TAKING RULE 11 PLEA AGREEMENT UNDER ADVISEMENT**

On June 26, 2024, Magistrate Judge Patricia T. Morris conducted a plea hearing upon Defendant Randall Robert Berka, II's consent. ECF Nos. 43; 44. The next day, Judge Morris issued a report recommending this Court accept Defendant's guilty plea. ECF No. 48. Judge Morris gave the Parties 14 days to object, but they did not do so. They have therefore forfeited their right to appeal Judge Morris's findings that Defendant was competent to enter a plea and did so knowingly, voluntarily, and with a basis in fact. *See* FED. R. CRIM. P. 11(b); *Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)).

Accordingly, it is **ORDERED** that Judge Morris's Report and Recommendation, ECF No. 48, is **ADOPTED**.

Further, it is **ORDERED** that Defendant's guilty plea is **ACCEPTED**, and that the Rule 11 Plea Agreement, ECF No. 45, is **TAKEN UNDER ADVISEMENT**.

Dated: July 12, 2024

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge