

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:23-cr-20235

v.

Honorable Thomas L. Ludington
United States District Judge

RANDALL ROBERT BERKA II,

Defendant.

Honorable Patricia T. Morris
United States Magistrate Judge

/

**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