

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:06CR128
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
VERNER D. WEAVER,)	
)	
Defendant.)	

This matter is before the Court on the Report and Recommendation (Filing No. 23) issued by Magistrate Judge F.A. Gossett recommending denial of the Defendant's motion to suppress (Filing No. 12). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant, Verner D. Weaver, seeks an order suppressing evidence found on March 17, 2006, at the residence located at 6623 N. 31st Ave. Weaver argues: the search warrant affidavit and application did not contain sufficient probable cause; the information in the application and affidavit regarding the confidential informant ("CI") was unreliable and uncorroborated; the no-knock search warrant violated Weaver's Fourth Amendment rights; and the good faith exception set out in *United States v. Leon*, 468 U.S. 897 (1984) does not apply. Judge Gossett determined: information received by the CI was reliable and sufficiently corroborated; the search warrant was issued based on sufficient probable cause; the no-knock search warrant was properly issued, and, alternatively, if the no-knock warrant were not properly issued the exclusionary rule would not apply; and, even absent sufficient probable cause the good faith exception to the exclusionary rule would apply. (Filing No. 25.)

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 13, 16) and the transcript (Filing No. 25). The Court has also viewed the evidence. (Filing No. 21.) Because Judge Gossett fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 23) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 12) is denied.

DATED this 9th day of August, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge