

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY BARTUNEK,

Defendant.

8:17CR28

ORDER

This matter is before the Court on defendant Gregory Bartunek's ("Bartunek") Objections to Order and Motion to Renew Motion to Suppress Evidence (Filing No. 273). Bartunek objects to this Court's October 11, 2017, Order (Filing No. 208) denying his various Motions to Suppress Evidence (Filing Nos. 47, 48, 108). Bartunek also seeks to "Renew the Motion to Suppress Evidence seized on May 25, 2016 from [his] residence." According to Bartunek, the affidavit and warrant underlying the search "were constitutionally defective in violation of the Fourth, Fifth, Sixth, Ninth, Tenth, and Fourteenth Amendments of the United States Constitution and federal laws and Nebraska's Constitution § 1-3, § 1-7, § 1-9, and § 1-12 and Nebraska laws, and so lacking in probable cause and specificity, that all evidence seized by the Omaha Police Department during the execution of the Search Warrant . . . should be suppressed" and returned to Bartunek.

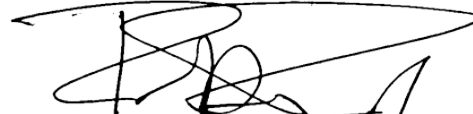
Whether to reconsider a "prior ruling and reopen [a] suppression issue" is a matter committed to the discretion of this Court. *United States v. Laws*, 819 F.3d 388, 396 (8th Cir. 2016). Having duly considered Bartunek's twenty-one asserted grounds for relief and ten supporting exhibits, the Court concludes Bartunek has not provided sufficient justification to reopen and reconsider the suppression issues in this case. Aside from an unpersuasive attempt to distinguish some of the cases the Court considered in denying his motions to suppress, Bartunek presents the same arguments previously found inadequate

to require suppression. Bartunek's Objections to Order and Motion to Renew Motion to Suppress Evidence (Filing No. 273) is therefore denied.

IT IS SO ORDERED.

Dated this 8th day of January, 2018.

BY THE COURT:



Robert F. Rossiter, Jr.
United States District Judge