

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

AYLA SUNN,

Defendant.

ORDER

15-cr-27-wmc

Defendant Ayla Sunn has been charged with two counts of unlawfully distributing Xanax, a Schedule IV controlled substance. On May 31, 2015, defendant Ayla Sunn filed a motion to suppress evidence obtained pursuant to two search warrants that were issued by the Lac du Flambeau trial court. (Dkt. #15.) Sunn asserted that the first search warrant, seeking stolen property, lacked probable cause. Sunn further argued that the second search warrant that was obtained based on observations made during execution of the first search warrant, is likewise invalid for lack of probable cause. In light of these violations, Sunn argued that the fruits of the searches should be suppressed, including statements made by Sunn.

On July 2, 2015, Magistrate Judge Stephen Crocker issued a Report and Recommendation (“R&R”) to deny defendant Ayla Sunn’s motion to suppress. On July 8, 2015, Sunn submitted an objection to the R&R, merely referring the court to arguments in her original motion to suppress. (Dkt. #24.) While this court considers *de novo* the recommendation of Judge Crocker, Sunn’s objection obviously provides no guidance to the court as to any defects in his thorough decision. Instead, Sunn is essentially inviting this court to identify and rule on non-frivolous objections of its own

making, an exercise that the court is not inclined to undertake, and indeed that would undermine any efficiency in referring this motion to Judge Crocker in the first place.¹

In any event, after reviewing the parties' submissions and Judge Crocker's R&R, the court is unable to discern any meritorious objection to his R&R. On the contrary, Judge Crocker's opinion deals thoroughly and persuasively with each of the objections raised in Sunn's original motion. If satisfied with a magistrate's findings and recommendations, the court may use its discretion to treat those findings and recommendations as its own. 28 U.S.C. § 636(b)(1). Absent any basis to reconsider, the court will adopt the R&R in full without further explanation.

ORDER

IT IS ORDERED that:

- 1) The Report and Recommendation (dkt. #23) is ADOPTED as set forth above;
and
- 2) Defendant Alya Sunn's motion to suppress (dkt. #15) is DENIED.

Entered this 23rd day of July, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

¹ In fairness to Sunn, it may be that the objection is simply intended to preserve her objections for appeal. *United States v. Hernandez-Rivas*, 348 F.3d 595, 598 (7th Cir. 2003) ("The general rule within the Seventh Circuit is that if a party fails to file an objection with the district court, he or she waives the right to appeal all issues, both factual and legal.") (citation omitted). Undoubtedly, this is why the government chose not to file any response to Sunn's objection.