

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

UNITED STATES OF AMERICA,

Plaintiff,

REPORT AND
RECOMMENDATION

v.

03-CR-90-C-02

STACY R. CLOUSE,

Defendants.

Before the court for Report and Recommendation is defendant Stacy Clouse's motion to suppress her statements to law enforcement agents. *See* Dkt. 35. As explained at the preliminary pretrial conference, Clouse no longer wishes to pursue this motion but is hesitant to withdraw it voluntarily. Clouse declined the opportunity to present additional evidence or briefing in support of her motion.

That being so, I conclude from my review of the motion that Clouse has not made the required prima facie showing of any violation of her rights under the fifth amendment. Her attorney's proffer does not sufficiently establish that she ever was subjected to custodial interrogation that would have required government agents to provide her with advisals pursuant to *Miranda*. None of the proffered facts even hint at involuntariness. Accordingly,

pursuant to 28 U.S.C. § 636(b)(1)(B), I recommend that this court deny defendant Stacy Clouse's motion for suppression of statements.

Entered this 9th day of November, 2003.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge