

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

MARK HURN,

05-CR-085-S-01

Defendant.

Defendant Mark Hurn moved to suppress evidence seized in a search of his residence and to reveal the informant's identity. The government opposed these motions.

On June 23, 2006 the Honorable Stephen L. Crocker, United States Magistrate Judge, recommended that defendant's motions to suppress evidence and to disclose the informant's identity be denied.

Pursuant to 28 U.S.C. § 636(b)(1)(c), any objections to the recommendation were to be filed not later than July 3, 2006. No objections have been filed.

Accordingly, the Court will adopt the Magistrate Judge's report and recommendation and deny defendant's motion to suppress evidence. There was probable cause to support the warrant for a search of defendant's residence. In addition, any possible violation of a federal statute governing the procedure for executing search warrants is not a basis to suppress evidence. Hudson v. Michigan, 547 U.S. _____, 2006 WL1640577 (June 15, 2006).

The Court will also adopt the Magistrate Judge's recommendation to not disclose the identity of the informant. Defendant has not shown that the informant's identity is relevant or helpful to his defense or essential to a fair determination of this case. See United States v. Banks, 405 F. 3d 559, 564 (7th Cir. 2005).

ORDER

IT IS ORDERED that the Magistrate Judge's recommendation is ADOPTED.

IT IS FURTHER ORDERED that the defendant's motions to suppress evidence and to reveal the identity of the informant are DENIED.

Entered this 5th day of July, 2006.

BY THE COURT:

s/

JOHN C. SHABAZ
District Judge