

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

HAI VAN TRAN,

Defendant.

ORDER

06-CR-0039-C-01

This criminal case raises questions about an alleged agreement by the government to refrain from indicting defendant Hai Van Tran on drug charges if he provided useful information to law enforcement officers about others involved in drug distribution. Defendant believes that the government's oral comments to defendant's counsel constitute a binding agreement that entitles him to dismissal of the drug count in the superseding indictment brought against him on July 12, 2006; the government denies that it entered into a binding oral agreement with defendant's counsel and resists dismissal of the drug count. The government is correct, as the United States Magistrate Judge explained in a report and recommendation entered on January 14, 2007. It is unnecessary to add to the magistrate judge's comprehensive and persuasive analysis of defendant's motion.

ORDER

IT IS ORDERED that the United States Magistrate Judge's recommendation of January 14, 2007 is ADOPTED. FURTHER, IT IS ORDERED that defendant Hai Van Tran's motion to dismiss count one of the superseding indictment against him is DENIED.

Entered this 8th day of February, 2007.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge