

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

JACOB FALKNER,

06-CR-112-S-01

Defendant.

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Defendant Jacob Falkner moved to suppress evidence seized in a search of his residence. The government opposed this motion.

On July 14, 2006 the Honorable Stephen L. Crocker, United States Magistrate Judge, recommended that defendant's motion to suppress evidence 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 24, 2006. No objections have been filed. Accordingly, the Court will adopt the Magistrate Judge's report and recommendation denying defendant's motion to suppress evidence. The initial search was proper based on the consent of Shaun Falkner. See Georgia v. Randolph, \_\_\_\_ U.S. \_\_\_\_, 126 S.Ct. 1515, 1529 (2006). Further, there was probable cause to support the search warrant which was subsequently obtained.

Defendant had also moved to suppress statements that he made. The government has agreed to not use these statements. Accordingly, they will be suppressed.

ORDER

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

IT IS FURTHER ORDERED that the defendant's motion to suppress evidence is DENIED.

IT IS FURTHER ORDERED that defendant's motion to suppress his statements is GRANTED as unopposed by the government.

Entered this 25<sup>th</sup> day of July, 2006.

BY THE COURT:

s/

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JOHN C. SHABAZ  
District Judge