

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No: 6:14-cr-43-Orl-41DCI

DONOVAN G. DAVIS, JR.

ORDER

THIS CAUSE is before the Court on Defendant Donovan Davis, Jr.'s Motion for Return of Property Under Federal Rule of Criminal Procedure 41(g) ("Motion," Doc. 346). United States Magistrate Judge Daniel C. Irick issued a Report and Recommendation ("R&R," Doc. 359), recommending that the Court deny the Motion. Magistrate Judge Irick, upon review of the record, concludes that the six hard drives sought by Defendant are not in the possession of the United States.

Defendant filed an Objection to the R&R (Doc. 367), arguing that "the magistrate's report is riddled with error, which makes his failure to recognize his earlier recusal more disturbing. Essentially, this Court should scrap the report and start over." (*Id.* at 4). Defendant further asserts that "no principled observer would believe this proceeding is fair and unbiased. The magistrate recklessly speculates that the government did not ever obtain possession of the hard drives (or their content). When --- on this record --- there is no doubt the 'government' received the computers." (*Id.*).

Judge Irick correctly points out that "Defendant fails entirely to explain how the six hard drives came into the possession of the government. Based upon the government's explanation, and the exhibits attached to its response, the simple explanation for that failure is that the six hard

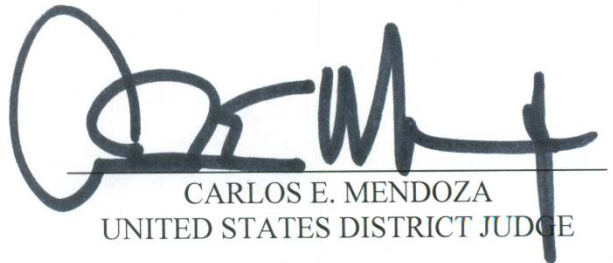
drives never came into the possession of the government.” (Doc. 359 at 4). Defendant responds by accusing the United States of being untruthful and criticizing Magistrate Judge Irick for failing to join in his accusation.

After a *de novo* review of the record, the Court agrees entirely with the analysis in the R&R.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 359) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. The Motion for Return of Property Under Federal Rule of Criminal Procedure 41(g) (Doc. 346) is **DENIED**.

DONE and **ORDERED** in Orlando, Florida on May 15, 2018.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party