

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

Case No. 6:18-cr-191-Orl-37GJK

RODERICK WARDEN; and GERALD
NICHOLSON

ORDER

Before the Court are Defendants' motions for release from custody pre-sentencing following the entry and acceptance of Defendants' guilty pleas to a qualifying offense under 18 U.S.C. § 3143. (Doc. 67 ("**Nicholson Motion**"); Doc. 69 ("**Warden Motion**").) On referral, and after holding a hearing, U.S. Magistrate Judge Gregory J. Kelly recommends denying both motions. (Docs. 73, 76 ("**R&Rs.**").) For the Nicholson Motion, Magistrate Judge Kelly recommends denial because the medical procedure is both unnecessary and not an "exceptional" reason justifying release from detention. (Doc. 73, pp. 2-3.) And he recommends denying Warden's Motion because his desire to seek out-patient drug treatment and support his family are similarly unavailing and unexceptional. (Doc. 76, p. 2.) Defendants did not object to the R&Rs, and the time for doing so has now passed. Absent objections, the Court has examined the R&Rs only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the Court concludes that the R&Rs are due to be adopted in their entirety.

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Gregory J. Kelly's Report and Recommendations (Docs. 73 and 76) are **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Defendant Gerald Nicholson's Motion for Release from Custody for Medical Purposes (Doc. 67) is **DENIED**.
3. Defendant Roderick Warden's Motion for Release (Doc. 69) is **DENIED**.

DONE AND ORDERED in Chambers in Orlando, Florida, on November 26, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record