

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

Case No. 8:23-cr-158-KKM-AAS

ENOCK EDOUARD,

Defendants.

ORDER

On October 27, 2023, the Magistrate Judge entered a Report and Recommendation, recommending that Defendant Enock Edouard's motion to "suppress and unseal" applications and orders authorizing the interception of certain wire and/or electronic communications, (Doc. 104), be denied, R&R (Doc. 184). The Report and Recommendation notified Edouard that he had "fourteen (14) days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions," and that "[a] party's failure to file written objections, or to move for an extension of time to do so, waives that party's right to challenge on appeal any unobjected-to factual finding(s) or legal conclusion(s) the District Judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1; 28 U.S.C. § 636(b)(1)." R&R at 19.

The Clerk mailed Edouard a copy of the Report and Recommendation on October 30. Thus, even granting him the benefit of Federal Rule of Criminal Procedure 45(c)'s three extra days, Edouard's deadline to object to the Magistrate Judge's Report and Recommendation has long passed without him lodging an objection. *See* FED. R. CRIM. P. 45(c); 28 U.S.C. § 636(b)(1)(C). Considering the record, the Court adopts the Report and Recommendation for the reasons stated therein and denies Edouard's motion to suppress.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a de novo review with respect to that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

In the absence of any objection and after reviewing the factual allegations and legal conclusions, the Court adopts the Report and Recommendation. The United States has already provided Edouard with copies of the wiretap applications and orders, Resp. to Mot.

to Suppress (Doc. 151) at 9, and he has not explained why that production is deficient. Edouard's request that the wiretaps be suppressed should also be denied, (1) for failure to develop a specific factual basis explaining why the wiretaps should be suppressed, and (2) on the merits.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Doc. 184) is **ADOPTED** and made a part of this Order for all purposes.
2. Edouard's Motion to Suppress (Doc. 104) is **DENIED**.

ORDERED in Tampa, Florida, on December 4, 2023.


Kathryn Kimball Mizelle
United States District Judge