

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

Case No. 8:23-cr-00158-KKM-CPT

ENOCK EDOUARD,

Defendant.

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**ORDER**

On December 21, 2023, the Magistrate Judge entered a Report and Recommendation, recommending that Defendant Enock Edouard's "Amended Motion to Suppress with Attached Motion to Dismiss," MTS/MTD (Doc. 176), be denied, R&R (Doc. 224). 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 17.

The Clerk mailed Edouard a copy of the Report and Recommendation on December 22, 2023. 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.

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. Edouard has not demonstrated that he has standing to challenge the search of a deceased homicide victim's cellphone or that the search violated the Fourth Amendment even if he did. *See* Resp. to MTS/MTD (Doc. 194) at 3–5; R&R at 10–13. Edouard's entrapment claim also fails. *See*

Resp. to MTS/MTD at 5–6; R&R at 13–15. Finally, Edouard presents no meaningful argument that the United States has treated him differently from any other defendant accused of similarly serious crimes. *See* Resp. to MTS/MTD at 6 n.2; R&R at 15–16.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge’s Report and Recommendation (Doc. 224) is **ADOPTED** and made a part of this Order for all purposes.
2. Edouard’s Amended Motion to Suppress with Attached Motion to Dismiss (Doc. 176) is **DENIED**.

**ORDERED** in Tampa, Florida, on January 20, 2024.

  
Kathryn Kimball Mizelle  
United States District Judge