

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.

ORDER

On January 20, 2024, the Court adopted the Magistrate Judge's 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 Order (Doc. 240). The Report and Recommendation was entered on December 21, 2023, and mailed to Edouard the next day. With both the benefit of the extra day to mail the order and three on the back end to receive it, Edouard's deadline to file objections to the Report and Recommendation was January 8, 2024. *See* 28 U.S.C. § 636(b)(1)(C); FED. R. CRIM. P. 45(c); *see also* (Doc. 230) (granting a continuance to the March 2024 trial calendar in the light of Edouard's objection deadline). Edouard's objections were entered on the docket on January 22, 2024, after the Court had already adopted the Report and Recommendation. *See* Objections (Doc. 243).

As an initial matter, Edouard's objections are untimely under any measure. Edouard dated the objections January 9, 2024. *See id.* at 7. Even giving Edouard the benefit of Federal Rule of Criminal Procedure 45(c)'s extra three days, his objections were due, at absolute latest, on January 8, 2024. Neither does the so-called prisoner mailbox rule save Edouard's untimeliness because, assuming it applies to criminal proceedings, Edouard could not have handed the objections to a prison official until—at the earliest—January 9 when he signed them. Thus, the objections are not timely.

But had they been, Edouard's objections lack merit regardless. Edouard expressly disclaims raising several issues discussed in the Report and Recommendation. *See id.* at 2 (explaining that Edouard “does not argue and has never attempted to challenge” certain issues addressed by the Magistrate Judge). And the additional arguments raised as to whether the United States violated the Fourth Amendment in the course of its investigation are meritless, even if the arguments are considered as part of the amended motion to suppress and thus properly presented in Edouard's objections.

Accordingly, it is **ORDERED**:

1. Edouard's objections to the Magistrate Judge's Report & Recommendation are deemed untimely. In the alternative, his objections are overruled.

ORDERED in Tampa, Florida, on January 24, 2024.


Kathryn Kimball Mizelle
United States District Judge