



USA v. Noonan

2013 | Cited 0 times | N.D. Iowa | February 4, 2013

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff, No. CR 12-1016 vs. ORDER REGARDING

MAGISTRATE'S REPORT AND

RECOMMENDATION CONCERNING DEFENDANT'S

GUILTY PLEA MARK ANTHONY NOONAN,

Defendant.

I. INTRODUCTION AND BACKGROUND On July 18, 2012, a one-count Indictment was returned against the defendant Mark Anthony Noonan. On January 18, 2013, the defendant appeared before United States Magistrate Judge Jon S. Scoles and entered a conditional plea of guilty to Count 1 of the Indictment. On January 18, 2013, Judge Scoles filed a Report and Recommendation in which he recommended that defendant's conditional guilty plea be accepted. No objections to Judge Scoles' Report and Recommendation were filed. The court, therefore, undertakes the necessary review of Judge Scoles' recommendation to accept defendant's plea in this case.

II. ANALYSIS Pursuant to statute, this court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge]. 28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:



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The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions. FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the court upon review of Judge Scoles' findings and conclusions, that there is no ground to reject or modify them. Therefore, the court accepts Judge Scoles' Report and Recommendation of January 18, 2013, and accepts defendant's conditional plea of guilty in this case to Count 1 of the Indictment.

IT IS SO ORDERED. DATED this 4th day of February, 2013.

