

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA,)
)
)
 v.) CR-04-9-B-W
)
MICHAEL V. FOWLER,)
)
 Defendant)

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

The United States Magistrate Judge filed with the Court on March 8, 2005 her Recommended Decision. Defendant filed his objections to the Recommended Decision on March 25, 2005. I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, and determine that no further proceeding is necessary.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge is hereby AFFIRMED.

2. It is further ORDERED that the Defendant's Motion to Suppress (Docket #48) is GRANTED IN PART by excluding from evidence the gun, related gun paraphernalia, and the contents of both the notebook and *Uncle Henry's* guide seized during the search of the Jeep, as well as all gun-related statements Fowler made to Trooper Bustard in subsequent telephone conversations concerning the same. However, in all other respects, the Defendant's Motion to Suppress is DENIED.

/s/John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 19th day of April, 2005.

Defendant

MICHAEL V FOWLER (1)
also known as
MICHAEL W SMITH (1)

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Plaintiff

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