

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)	
)	Case No. CR-02-96-S-BLW
Plaintiff,)	
)	ORDER ADOPTING REPORT
v.)	AND RECOMMENDATION
)	
MARCO ANTONIO HEREDIA-)	
GARCILAZO,)	
)	
Defendant.)	
_____)	

The Court has before it a Report and Recommendation filed by the United States Magistrate Judge. (Docket No. 69). On July 22, 2008, Defendant Marco Antonio Heredia-Garcilazo appeared before the Magistrate Judge to enter a change of plea pursuant to a written plea agreement. The Magistrate Judge conducted the plea hearing and concluded there is a factual basis for Defendant's plea of guilty to Count One of the Indictment (Docket No. 1), and that it was entered voluntarily and with full knowledge of the consequences. No objections to the Report and Recommendation have been filed.

The Court now has reviewed the record, and finds that the requirements of Rule 11 have been met. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003). Specifically, the Court finds that the Magistrate Judge adhered to the

requirements of Rule 11(b); that under Rule 11(b)(2), the Defendant's plea was voluntary and not the result of force or threats or promises apart from the plea agreement; and that a factual basis for the plea exists. *See id.* Accordingly,

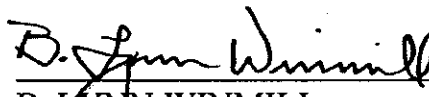
NOW THEREFORE IT IS HEREBY ORDERED that the Report and Recommendation (Docket No. 69) shall be, and the same is hereby, ADOPTED as the decision of the District Court and incorporated fully herein by reference.

IT IS FURTHER ORDERED that the Defendant's plea of guilty to Count One of the Indictment (Docket No. 1), shall be, and the same is hereby, ACCEPTED by the Court as a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

IT IS FURTHER ORDERED that Defendant Marco Antonio Heredia-Garcilazo is found to be GUILTY as to the crime charged in Count One of the Indictment (Docket No. 1).

DATED: **October 18, 2008**




B. LYNN WINMILL
Chief Judge
United States District Court