

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 4:23-cr-00168-BLW
)	
v.)	REPORT AND
)	RECOMMENDATION
CUSTOM AUTO OF REXBURG, LLC,)	
d/b/a GORILLA DIESEL PERFORMANCE,)	
)	
Defendant.)	
_____)	

On August 23, 2023, Defendant appeared before the undersigned United States Magistrate Judge to enter a change of plea pursuant to a written plea agreement.

Defendant executed a written waiver of the right to have the presiding United States District Judge take its change of plea. Thereafter, the Court explained to Defendant the nature of the charges, the maximum penalties applicable, its constitutional rights, the effect of the Sentencing Guidelines, and that the District Judge would not be bound by any agreement of the parties as to the penalty to be imposed. Further, the undersigned ordered a pre-sentence report.

Having conducted the change of plea hearing and having inquired of Defendant and its counsel, and counsel for the United States, the Court concludes that there is a factual basis for Defendant's plea of guilty, and that it was entered voluntarily and with full knowledge of the consequences, and that the plea should be accepted. The undersigned also ordered a pre-sentence investigation to be conducted and a report prepared by the United States Probation Office.

RECOMMENDATION

NOW THEREFORE IT IS HEREBY RECOMMENDED:

1. The District Court accept Defendant's plea of guilty to Count 2 of the Information (Dkt.2).

Written objections to this Report and Recommendation must be filed within fourteen (14) days pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.1(b), or as a result of failing to do so, that party may waive the right to raise factual and/or legal objections to the United States Court of Appeals for the Ninth Circuit.



DATED: August 23, 2023

A handwritten signature in black ink, reading "Raymond E. Patricco". The signature is written in a cursive style with a long horizontal line extending from the end.

Honorable Raymond E. Patricco
Chief U.S. Magistrate Judge