

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

| | | |
|---------------------------|---|------------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | |
| vs. |) | Case No. 08-0026-04-CR-W-FJG |
| Christopher L. Elder, |) | |
| |) | |
| Defendant. |) | |

ORDER

Pending before the Court is the motion to dismiss the indictment as to defendant Elder because of government misconduct (Doc. #93), filed August 22, 2008, and the government's suggestions in opposition (Doc. #113), filed September 9, 2008.

Evidentiary hearing on this matter was held on October 21, 2008. Thereafter, on December 12, 2008, United States Magistrate Judge Sarah W. Hays entered a report and recommendation (Doc. #153) which recommended denying the above-mentioned motion. No objections to Magistrate Hays' report and recommendation were filed.

The Court, after independent review of the record and applicable law, adopts and incorporates by reference herein, the magistrate's findings and conclusions. Therefore, the Court finds that the motion to dismiss the indictment as to defendant Elder because of government misconduct (Doc. #98), filed August 22, 2008, must be denied.

Accordingly, it is

ORDERED that the magistrate's findings and conclusions are hereby adopted and incorporated herein by reference. It is further

ORDERED that the motion to dismiss the indictment as to defendant Elder because of government misconduct (Doc. #93), filed August 22, 2008 is denied.

/s/Fernando J. Gaitan, Jr.
Judge Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 2/9/2009
Kansas City, Missouri