

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

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Case No. 08-00026-03/05-CR-W-FJG
)	
TROY R. SOLOMON,)	
CHRISTOPHER L. ELDER, and)	
DELMON L. JOHNSON,)	
Defendants.)	

ORDER

Pending before the Court are (1) Defendant Elder’s Motion in Limine to Preclude Testimony of a Houston Police Department Officer (Doc. No. 169); and (2) Defendant Elder’s Request for a Daubert Hearing on the Issue of the Qualifications of Houston Police Officer John Kowal (Doc. No. 235). On June 4, 2010, United States Magistrate Judge Sarah W. Hays held an evidentiary hearing on the pending motions. Thereafter, on June 14, 2010, Judge Hays entered a report and recommendation (Doc. No. 318) which recommended the Court reserve ruling on the admissibility of Officer Kowal’s expert testimony until immediately prior to the close of the government’s case. Objections to Judge Hays’ report and recommendation were due on or before June 17, 2010 at noon; none 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 will reserve ruling on the admissibility of Officer Kowal’s expert testimony until immediately prior to the close of the government’s case.

IT IS SO ORDERED.

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

Dated: June 17, 2010
Kansas City, Missouri