

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 04-60001-CR-COOKE/BROWN

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIFAH WAEI JAYYOUSI,

Defendant.

---

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION  
ON DEFENDANT KIFAH WAEI JAYYOUSI'S MOTION TO SUPPRESS EVIDENCE  
OBTAINED BY MEANS OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT**

THE MATTER was referred to the Honorable Stephen T. Brown, United States Magistrate Judge for a Report and Recommendation. The Magistrate Judge entered a Report and Recommendation (**DE 692**) on November 30, 2006. The Court has reviewed the Objections to the Magistrate Judge's Report and Recommendation, and being otherwise fully advised in the premises, for the reasons more fully set forth below it is

**ADJUDGED** that United States Magistrate Judge Stephen T. Brown's Report and Recommendation (**DE 692**) is **AFFIRMED** and **ADOPTED**.

Defendant Jayyousi filed Objections to Magistrate's Report and Recommendation regarding Defendant's Motion to Suppress Evidence obtained by means of the Foreign Intelligence Act on January 3, 2007. Defendant Jayyousi's "objections" do not comply with the law. Objections "shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made, the specific basis for such objections and the supporting legal authority." S.D. Fla. Mag. Rule 4(b); Heath v. Jones, 863 F.2d 815, 822 (11th Cir. 1989). Defendant Jayyousi did not specify any particular basis for his objections: "In support of these objections, defendant relies

upon and incorporates herein by reference his initial Motion to Suppress and incorporated memorandum of law." Defendant's Objections to Magistrate Report and Recommendation Regarding Defendant's Motion to Suppress Evidence Obtained by Means of the Foreign Intelligence Surveillance Act, at p. 1. It is impossible for a district judge to make a *de novo* determination regarding the "objectionable" portions of a report and recommendation when the objecting party fails to identify those portions or indicate a specific basis for the objection.

The filing of objections to a magistrate's report enables the district judge to focus attention on those issues -- factual and legal -- that are at the heart of the dispute. Thomas v. Arn, 474 U.S. 140, 147 (1985). When a party files cogent objections, as the rule requires, the arguments are framed for the district judge. The issues are streamlined. The filing of objections improves judicial efficiency, avoiding unnecessary duplication of effort. Without objection, I adopt the report and recommendation.<sup>1</sup>

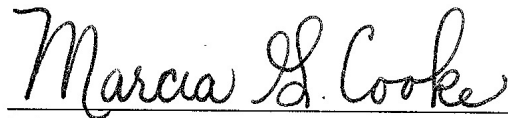
---

<sup>1</sup> I incorporate by reference the Magistrate Judge's Report and Recommendation. [D.E. 692]. I do not adopt the Report and Recommendations merely because the Defendant's objections do not comply with the law. I find that the Magistrate's Report and Recommendation is analytically sound, well-reasoned and correctly states the law.

Accordingly, it is

**ADJUDGED** that Defendant Jayyousi's Motion to Suppress Evidence Obtained by Means of the Foreign Intelligence Surveillance Act **(DE 584)** is **DENIED**.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 15<sup>th</sup> day of March, 2007.

A handwritten signature in cursive script, reading "Marcia G. Cooke". The signature is written in black ink and is positioned above a horizontal line.

MARCIA G. COOKE

United States District Judge

Copies provided to: *All counsel of record*