UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA,	‖	
Plaintiff,	‖	
v.	‖	**CRIMINAL NO. SA-07-492-M**
JOHN COCKERHAM,	‖	
Defendant.	‖	

ORDER

A detention hearing was held on July 31, 2007, pursuant to Title 18, United States Code, Section 3142 (f)(2)(A). Having considered the testimony of the government's witnesses, Special Agent Ray Rayos and Special Agent Richard Humphreys, the proffers of defendant's witnesses, other proffered evidence, and arguments of counsel, the Court finds by a preponderance of the evidence that there are no conditions which would reasonably assure defendant's appearance if released. Accordingly, for the reasons set forth below, it is ordered that defendant be detained without bond or other conditions of release pending trial of this cause:

1. Defendant currently is charged by way of a three-count complaint with: (1) the acceptance of bribes by a public official in violation of 18 U.S.C. § 201(b)(2); (2) conspiracy to defraud the United States in violation of 18 U.S.C. § 371; and (3) conspiracy to launder monetary instruments, specifically, the proceeds of the specified unlawful activity of the acceptance of bribes by a public official with the defendant committing over acts including the direction of his spouse in 2005 to travel to Dubai to place currency in a safe deposit box, in violation of 18 U.S.C. §§ 1956(h). Conviction includes: up to 15 years imprisonment, followed by up to three years supervised release, a fine up to $250,000 or three times the amount of the bribe, $100

mandatory assessment, and restitution (count one); up to 5 years imprisonment, followed by up to three years supervised release, a fine up to $250,000, $100 mandatory assessment, and restitution (count two); and up to 20 years imprisonment, followed by up to three years supervised release, a fine up to $500,000 or twice the value of the property involved, $100 mandatory assessment, and restitution (count three).

The evidence in this case establishes that there is probable cause to believe that defendant committed the offenses charged in the complaint. "Probable cause" signifies evidence sufficient to cause a person of ordinary prudence and caution to conscientiously entertain a reasonable belief of the accused's guilt. E.g. Coleman v. Burnett, 477 F.2d 1187, 1202 (D.C. Cir. 1973).[1] Defendant waived his preliminary hearing, also scheduled for July 31, 2007.

More specifically, the affidavit in support of the criminal complaint establishes probable cause to believe defendant John Cockerham did accept a thing of value, personally and for other persons, in return for being influenced in the performance of an official act and being influenced

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1 Barber v. Page, 390 U.S. 719, 725, 88 S.Ct. 1318, 1322 (1968) ("A preliminary hearing is ordinarily a much less searching exploration into the merits of a case than a trial, simply because its function is the more limited one of determining whether probable cause exists to hold the accused for trial"). Probable cause in a preliminary hearing is essentially the same probable cause that is required for arrest. Gerstein v. Pugh, 420 U.S. 103, 120, 95 S.Ct. 854, 866 (1975) ("The standard is the same as that for arrest.") Probable cause to arrest exists "where 'the facts and circumstances within . . .[the arresting officers'] . . . knowledge and of which they had reasonably trustworthy information . . . [are] . . . sufficient in themselves to warrant a man of reasonable caution in the belief that 'an offense has been or is being committed." United States v. Preston, 608 F.2d 626, 632 (5th Cir.1979), cert. denied, 446 U.S. 940, 100 S.Ct. 2162 (1980) (quoting Draper v. United States, 358 U.S. 307, 313, 79 S.Ct. 329, 333 (1959)). Although probable cause requires more than a bare suspicion of wrongdoing, it requires "substantially less evidence than that sufficient to support a conviction." United Staets v. Wadley, 59 F.3d 510, 512 (5th Cir.1995) (quoting United States v. Muniz-Melchor, 894 F.2d 1430, 1438 (5th Cir.) (internal citation omitted), cert. denied, 495 U.S. 923, 110 S.Ct. 1957 (1990)).

to commit and aid in committing and allowing a fraud on the United States as alleged in count one (18 U.S.C. § 201(b)(2)); did create a handwritten ledger to track millions of dollars of bribe payments accepted by defendant, an overt act alleged in furtherance of the conspiracy to accept bribes from government contractors in return for being influenced in official acts and conspiracy to defraud the United States as alleged in count two (18 U.S.C. § 371); and did direct his wife in 2005 to travel to Dubai with another woman to place currency in a safety deposit box in furtherance of a conspiracy to conduct financial transactions involving the proceeds of specified unlawful activity, that is, the acceptance of bribes by a public official, knowing the proceeds were designed to conceal the nature, source, ownership, an control of the proceeds as changed in count three (18 U.S.C. § 1956(h)).

2. With concurrence of the parties, the Court takes notice of the Pretrial Services Officer's Report, which indicates, among other things, the following:

Defendant, age 41, is a United States citizen, was born in Shreveport, Louisiana, and is the fifteenth of seventeen children born to his parents' union. Both of defendant's parents are deceased. Defendant reported his siblings live in Louisiana and Texas. Defendant reported contact with only one of his siblings, who resides in Dallas, but no contact with the other fifteen. Defendant has been married since 1986, to his co-defendant Melissa Jordan, and they share three children, ages six (twins) and two.

Four the past four years, defendant has resided in San Antonio at Fort Sam Houston in military housing. Defendant reports no other period of residence in San Antonio or in Texas. He was stationed at Ft. Knox, Kentucky (six years), Ft. Polk, Louisiana (three years), Monroe, Louisiana (five years), and Germany (three years). Defendant was raised in Castor, Louisiana

and resided there the remainder of his lifetime.

Defendant is a 1984 high school graduate and earned a bachelor's degree in general studies from Northeast Louisiana University in 1993 and a Master's degree in business/procurement from Webster University in 2004.

Defendant reports work-related travel within Texas two or three times a year and travel to Louisiana, Kentucky and Oklahoma to visit family members two or three times a year. Defendant reports no other interstate travel.

Defendant has made personal trips to Barbados in 2005, and to the Caribbean on a cruise in the 1990's. Other than these two personal trips and deployments to Haiti (1996), Cuba (2006), and Iraq/Kuwait (three occasions between 2001 and 2005), defendant reported no other international travel.[2] Defendant possesses a valid United States passport which he is willing to surrender to Pretrial.

Defendant enlisted in the United States Army in 1984 and received an honorable discharge in 1989. In 1989, defendant enlisted in the United States Army National Guard and retired in 1993. In 1994, defendant re-enlisted in the United States Army National Guard and is currently in active status. For the past year, defendant has been employed as a Major in the United States Army assigned to the United States Army Contracting Activity - "The Americas," stationed at Fort Sam Houston, earning approximately $5,000 monthly in income.

Other than his monthly salary, defendant reported the following assets to Pretrial, with approximate values as follows: an IRA/thrift savings account of $9,000, a savings account of

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2 Melissa Cockerham reported to Pretrial that she and John Cockerham vacationed in the Bahamas in 1999 and in London. John Cockerham did not report these vacations (unless the vacation in the Bahamas also involved the Caribbean cruise).

$700, a life insurance policy (either in a face value of $1,200 or with a cash surrender value of $1,200) and two vehicles, a 2004 Toyota Sienna (FMV $12,000) and a 1993 Isuzu Pick-up (FMV $1,200). Pretrial Services reported that it is understood defendant will be placed on administrative leave and his security clearance will be suspended while the current charges are pending. Defendant also reported liabilities including a $20,000 debt consolidation loan ($690 monthly), a $19,000 student loan ($256 monthly), a $13,000 car loan ($500 monthly), $15,000 in credit card debt ($700 monthly), $400 in monthly insurance premiums, and $170 in monthly cellular telephone bills.[3]

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3 Defendant's wife also reported that her spouse inherited a home in Louisiana which is being contested by other family members and they have paid the past due taxes on two other properties in Louisiana in an effort to legally take possession of the properties after two years. Melissa Cockerham stated she did not know the value of these two properties or of the home her husband inherited. Further, Melissa Cockerham reported the family's monthly living expenses of $700.00 and their payment of $170.00 per month for utilities for a house in Louisiana.

In an Addendum to the report, Pretrial disclosed that it had contacted the Bossier Parish Louisiana's Tax Assessor's Office and learned there are two properties listed as being owned by John Cockerham – one property consists of a lot on which one warehouse and three small buildings are located and have a combined assessed value of $13,800.00; the second property is a lot with an assessed value of $2,500.00 and which shows John Cockerham as the 35% owner. Further, Pretrial's contact with the Bienville Parish Louisiana Tax Assessor's Office disclosed John Cockerham was listed as the owner of two properties in that county: one rural lot with an assessed value of $450.00 and a second property consisting of 80 acres and a residence with an assessed value of $3,150.00. The contacted official indicated that rural properties in that country typically have little assessed value.

Further, Melissa Cockerham's report of assets and liabilities to Pretrial (i.e., bank account balances and bills) differs somewhat from her spouse's. Other than John Cockerham's ownership interest in real property in Louisiana, these differences have not been considered adversely to either defendant. With respect to the real property in Louisiana, that Melissa Cockerham reported only three of the four properties and that John Cockerham reported none of the four properties – although the monetary amounts are far less than what is at stake in the government's proof in support of the charged criminal conduct -- supports the government's contention that both defendants have taken steps to conceal, secrete, and hide assets. This inference of concealing assets is also supported by Agent Rayos' testimony that investigators have uncovered evidence that a third party purchased property in San Antonio for John Cockerham (and Melissa Cockerham, given her community property rights) using moneys paid

Defendant reported good health, no history of illness, and no illicit drug use. Defendant stated he consumed alcohol two or three times a year, with one or two drinks per occasion.

Defendant has no known criminal history.

WRITTEN STATEMENT OF REASONS FOR DETENTION

The Court finds that the evidence adduced at the detention hearing established, by preponderance of the evidence, there exists no condition or combination of conditions that will assure defendant's appearance if he is released prior to trial. United States v. Fortna, 769 F.2d 243, 250 (5th Cir. 1985). The Court makes the following additional findings and conclusions regarding the factors to be considered pursuant to 18 U.S.C. § 3142(g), incorporating as well the findings and conclusions summarized above.

There is evidence that both John Cockerham and Melissa Cockerham were involved in the laundering of a significant sum of money. The sworn affidavit in support of the complaint represents that defendant and his wife have "laundered millions of dollars in illegal bribe proceeds . . ." (affidavit in support of criminal complaint at 2). When interviewed by law enforcement officers in December 2006, when a federal search warrant was executed at defendants' residence on post at Fort Sam Houston and on the following day, defendant Melissa Cockerham admitted she received more than $1 million on behalf of defendant John Cockerham and placed the money in safe deposit boxes in Kuwait and Dubai. In a separate interview on that same occasion, defendant John Cockerham admitted he arranged for defendant Melissa Cockerham to receive this money, reflecting bribe payments from military contractors in

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by a government contractor or in connection with a government contract.

exchange for military contracts. During the search officers obtained financial evidence and other documents to show John Cockerham received significantly more money in bribe payments from many more contractors than he admitted in December 2006. For example, according to a hand-written ledger uncovered in the search, Melissa Cockerham received $2.1 million (from four contractors and perhaps others) and John Cockerham received $9.6 million in bribe payments from at least eight contractors and anticipated receiving $5.4 million more.

In addition to evidence of very large sums of fully negotiable cash money which defendants John and Melissa Cockerham are charged with laundering, there is substantial evidence of the use of banking institutions and safety deposit boxes located in other countries. Evidence seized in the December 2006 search uncovered evidence that large sums of money were deposited in safety deposit boxes and banks in the Middle East and that defendant pursued opening at least two offshore bank accounts in the Caribbean, the First Caribbean International Bank in the Caymans (account application documents in the name of "John Cockerham" seized) and the First Curacao International Bank (account opening confirmation documents in the name of "M. Cockerham" seized). In addition to documents involving foreign financial institutions recovered in the December search -- for example, a receipt from the Jordan National Bank, Jabl al-Hussein Branch, reflecting a May 23, 2005, deposit of $240,000 in United States currency into a safe deposit box in the name of Person A, an unidentified associate of defendants – Melissa Cockerham told interviewing agents in December 2006, that she opened a bank account and obtained a safe deposit box at the Commercial Bank of Kuwait and she placed a bag containing approximately $800,000 in Kuwaiti and United States currency into the safe deposit box in approximately 2004.

Melissa Cockerham also told interviewing agents that on another occasion, in 2005, she was present in Kuwait, left her children with her sister in Kuwait, and traveled to Dubai to meet a woman who assisted Melissa Cockerham in staring a business in Dubia called "Worldwide Trading," and who gave her a retail-type bag containing approximately $500,000 in Emirati and United States currency which she then placed in a safe deposit box she opened in a bank in Dubai. John Cockerham acknowledged that the woman in question represented a United States government contractor which expected to receive government contracts in exchange for the money, but recalled that the money, made in two cash payments in United States and Kuwaiti currency, totaled $300,000. A ledger seized in the December 2006 search indicated John Cockerham received $1.7 million from the government contractor in question, $1 million of which was received through Melissa Cockerham.

In the December 2006 search, agents found three pages of handwritten notes regarding the receipt and transfer of money; agents believe the handwriting is that of Melissa Cockerham's. On page stated, among other things, "6,000 dirhams," "5,000 US dollars," less $19,000" and "deposited September 8, 2005." A second page indicated $500,000, packaged in separately identified packages, was transported by Melissa Cockerham on or about September 10, 2005, as follows:

$ US	200,000	yellow DHL bag
	200,000	#1 bag purple + white
	100,000	leltg[sic] white color
Dirhans	1,000,000	2 white bags esse blue

5000 + 50,000 = $55,000 $US carried w/me

The third page of the notes, dated September 10, 2005, indicated steps Melissa Cockerham took to open an account with the Abu Dhabi Commercial Bank and obtain a safe deposit box at Union National Bank as well as a note with the address for "Worldwide International Trading Co." The affidavit in support of the criminal complain indicates the dates correspond with dates Melissa Cockerham traveled to the Middle East. Further, a separate ledger, which Agent Rayos testified was apparently handwritten by Ms. Blake, John Cockerham's sister, who actually moved to Kuwait at the suggestion of John Cockerham, which appeared to detail the amount and source of money Ms. Blake received on John Cockerham's behalf, with the first letter of the first name in each entry corresponding, according to Agent Rayos, with the names of individuals who represented contracting firms to which John Cockerham awarded contracts. That same December, 2006 search uncovered another document, believed to be handwritten by John Cockerham and in the same handwriting as John Cockerham's ledger, that appeared to correspond with Ms. Blake's list noted above and appeared to "de-code" the references, connecting nine names of military contractors to military contracts awarded by John Cockerham and to sums of money, as provided on the two lists. As noted in the affidavit in support of the complaints, Ms. Blake, when interviewed by law enforcement officers, admitted she wrote the ledger in question but stated the list was of individuals she had contacted in furtherance of a personal church ministry.

In addition to the evidence of significant sums of currency – most of which has not been seized by the Government – and of the use of banking institutions and safety deposit boxes

located in other countries, there is evidence to show the defendants were interested in off-shore accounts in countries with strict bank secrecy laws that might help prevent the money from being located and seized. Also seized in the December 2006 search were document relating to the laundering of money, such as information relating to establishing offshore bank accounts, information comparing the benefits of various offshore banking havens, information on anti-money laundering statutes enacted by the Cayman Islands, and John Cockerham's interest in two books about offshore banking havens.

The weight of the evidence against defendant addressed at the hearing appears to be sufficiently strong to support the serious action of detention. Both John and Melissa Cockerham partially confessed to their roles in accepting bribes in exchange for government contracts and money laundering. The items seized in the December 2006 search corroborate the admissions of each defendant.

In sum, evidence has been adduced at the detention hearing, pursuant to the rules applicable in that hearing, to show: (a) defendant's alleged criminal conduct involved very large sums of cash money; the government's proof at the detention hearing conservatively attributes approximately $9.6 million to John Cockerham and approximately $2.1 million to Melissa Cockerham, a very small percentage of which, if any, has been recovered by the government; (b) defendant's alleged criminal conduct involves financial institutions and safety deposit boxes in other countries and foreign nationals not subject to United States law; (c) defendant's alleged criminal conduct indicates defendant's interest in bank secrecy laws, anti- money laundering statutes enacted in the Cayman Islands, and offshore banking havens with corroborating evidence seized in the December, 2006, search of defendant's residence to show proceeds of the charged

activity may have been directed to accounts not subject to United States law or detection and recovery by United States law enforcement officers; and (d) defendants have not been completely forthcoming in reporting their assets. This evidence shows defendant may have the financial means to flee, reside outside the United States, avoid detection by law enforcement officers following flight. If defendants have taken steps to secrete and move illegal moneys abroad and to school themselves in concealing money, it is reasonable to conclude defendants could access the illegal moneys in assisting a flight from prosecution. That defendants have not fled in the seven months since the execution of a federal search warrant on their residence in December, 2006, does not indicate either would not flee now – after criminal charges have been filed and after the defendants' attempts to negotiate with the Government apparently were terminated.[4] Further, the collaboration of defendants, husband and wife, in the charged conduct and, apparently, conducting activities from their shared home relating to the charged conduct following the execution of the December, 2006, search warrant as addressed by Agent Humphreys, supports the inference that even if John Cockerham shielded or excluded his wife from many of the details and even some of the money, concealed assets would be shared in flight, to support themselves

4 Agent Rayos testified that he had no knowledge any statements or other evidence that may have been provided by either defendant in their discussions with the government, apparently the result of a "Chinese Wall" having been constructed between agents and others who became familiar with possible Rule 11 statements and derivative evidence and agents and others who are involved in the criminal investigation and prosecution of defendants. It should be noted that counsel for John Cockerham expressed regret that he was in a lengthy trial and was not readily available to his client at or about the time period of his arrest and was concerned that if he had been, perhaps his client would not be considered a flight risk. To assuage concern on this matter, the Court points to the testimony of Agent Humphreys that indicates defendants engaged and/or intended to engage in conduct to obstruct the detection of the scope and extent of their criminal conduct, conceal assets, create "cover stories" for allegedly criminal conduct, direct others to destroy evidence or alter stories, conduct that has occurred in the last six months, namely, the same time period in which defendants were "cooperating" with the government.

and to benefit their children.

Defendants have proffered the testimony of five witnesses, each present in court and each supporting defendants and their children. Four of the individuals are willing to serve as guardians of defendants' children and custodians of both defendants, one of whom (with his wife) currently is carrying for the defendants's three children, and three of whom are willing to sign as a surety on an bond. Certainly, this support is significant, especially for the children, and the Court is grateful for it. But, as required, the Court is compelled to make certain conclusions about the proffer which do not and should not detract from the sincerity and good-heartedness of the offers. There is no evidence of any of these individuals's net worth or of assets they are willing to pledge to secure the promise of John and Melissa Cockerham's appearance at future courts settings as required. Without such evidence, the Court has no way to determine whether the threat of financial action by the government against the non-exempt assets of the individuals might be a sufficient deterrent to defendants to flee. If they are ordinary middle class Americans, the millions of money at issue would seem to be more than ample to compensate these three for losses they might suffer in forfeiture actions. More pointedly, there is no evidence any person is willing to pledge money or property to secure appearance.

Defendants argue that at least one parent, Melissa Cockerham, should be released to care for their three young children for whom their separation from their parents is devastating. The Court agrees that the hardship on the children is one of the most regrettable aspects of the charges and any detention. Unfortunately, if the Court is not convinced that conditions will reasonably assure the appearance of a defendant for court proceedings as required, the children will need to remain in the care of family or friends.

Defendants' further arguments and proposals that conditions, such as ordering defendants to be released to their residence on post, with a curfew or other restrictions, enforced by ELM, GPS monitoring, and surveillance of the military police and perimeter security measures and personnel at Fort Sam Houston, with the knowledge that the computerized Federal Identification Alert System might alert the government if either defendant attempts to leave the country by certain common carriers, do not offer reasonable assurance of appearance here – unless the detention proposed is equivalent to a jail-type custody and such custody should be accomplished under the direction of the United States Marshal's Service, not the military, which has other important missions and which has no court martial or other military proceeding pending involving John Cockerham or, certainly, Melissa Cockerham.

Finally, the Court notes that Agent Humphreys testified about evidence that defendants have obstructed justice, attempted or intended to tamper with witnesses, and destroy or direct the destruction of evidence by, for example, creating a "cover story" that illegal bribe and diverted moneys in the possession of them or their associates should be portrayed as "loans" or "donations;" providing advice on what to say or not say to investigators; advising others to throw away safety deposit box keys and move money to new safety deposit boxes; directing a reader of document to shred it after reading it; advising that the bosom was a good place to hide a safety deposit box key or important papers in the event of a search; and considering how long fingerprints remain on currency. Defendant John Cockerham objected to this testimony, moved for production of the stack of documents Agent Humphreys reviewed in preparing to testify on these matters and for a continuance to be able to review the documents, or moved to strike it the testimony if the documents were not produced. No authority was provided by John Cockerham

to support his request, other than reference to the Federal Rules of Evidence, which do not apply at detention hearings, Rule 26.2 which applies to witness statements,[5] and a general due process argument, not supported by a citation to any case, that the document production was required for cross-examination of the witness. It appears well-settled that detention hearings are not discovery hearings and the government may provide Rule 16 discovery materials, as ordered by the District Judge in a scheduling order, after the procedurally early time in which a detention hearing is held. But, as raised in part by the undersigned at the hearing, as noted by then-District Judge Edward C. Prado in United States v. Mir and Mir, SA-89-CR-26-1 & -3 (March 16, 1989), citing in part then-District Judge William S. Sessions ruling in United States v. Musgrave, SA-80-CR-70-6 (July 22, 1985), "minimal rights to inspect the documents relied upon by government witnesses may be necessary to effectuate the protections of § 3142" (at 8), namely, "to afford the defendant a meaningful opportunity to use his right to counsel, confrontation, and cross-examination secured by § 3142(f)" (at 6) upon a finding that "production is essential to preserve the defendant's rights" (id.). Here, neither John Cockerham (who made the request and

5 Earlier in the hearing, the Court granted John Cockerham's request for production, pursuant to Rule 26.2, of the only statement of Agent Rayos he reviewed in preparation of his testimony, that is, his statement of interview with John Cockerham. There is no evidence either of the two witnesses for the government have any other statement relating to their direct examination; the Court denied John Cockerham's requests for the right to inspect reports of interviews of Melissa Cockerham and Ms. Blake, prepared by other officers, as the Government did not have the statements in court and the substance of Agent Rayos' testimony on those interviews tracked the scope and effect of what is set out in the sworn affidavit to the criminal complaint produced to defendants at their initial appearance. Similarly, the Court denied John Cockerham's request for production of the ledgers referred to in Agent Rayos' testimony; again his testimony about the ledgers and other writings (obtained from defendants and often alleged to be in their own hand) tracked the scope and effect of what is set out in the sworn affidavit to the criminal complaint. Neither defendant made a showing as to why production of the matters at issue was "essential" for effective cross-examination.

addressed the matter in court) nor Melissa Cockerham has demonstrated how their need to inspect documents seized from their own home is "essential" for effective cross-examination of Agent Humphreys. Nevertheless, as is apparent from this Order, the substance of Agent Humphreys' testimony on obstruction of justice is not the central basis of this determination that detention is appropriate at this time based on the record thus far developed. Indeed, although one would hope that opportunities for any such continued conduct would be diminished in a jail-type setting, there is no reason to conclude that defendants could not continue to provide advice and direction to others to destroy evidence while incarcerated. The evidence is part of the record and available for review on any appeal.

Based on all of the above circumstances, the Court finds by a preponderance of the evidence that there are no conditions that will reasonably assure defendant's appearance at future courts settings as required. 18 U.S.C. § 3142(f)(2)(A). The Court has considered the alternatives of high cash bond, placement in a halfway house and/or electronic monitoring and has determined, based on the current record, that such conditions, even in combination, are inadequate. In sum, "it is more likely than not that no conditions will reasonably assure the accused's appearance." Fortna, 769 F.2d at 250.

Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On Order of a Court of the United States or on request of an attorney for the

Government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

NOTICE OF RIGHT OF REVIEW AND APPEAL

Section 3145(b) provides that a person ordered detained by a Magistrate Judge may file with the District Court, the Court having original jurisdiction over the offense with which Defendant is charged, a motion for Revocation or Amendment of the Order. The District Court shall determine said Motion for Revocation or Amendment promptly.

ORDERED, SIGNED and **ENTERED** this 31st day of July, 2007.

Pamela A. Mathy

PAMELA A. MATHY
UNITED STATES MAGISTRATE JUDGE