

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

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No. 04-3260

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United States of America,	*
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Plaintiff-Appellant,	*
	* Appeal from the United States
v.	* District Court for the
	* District of Minnesota.
Modestas Taylor,	*
	* [UNPUBLISHED]
Defendant-Appellee.	*

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Submitted: May 10, 2005  
Filed: October 20, 2005

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Before WOLLMAN, BRIGHT, and BYE, Circuit Judges.

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PER CURIAM.

This case is before us for the third time. The government charged Modestas Taylor with possession with intent to distribute five grams or more of cocaine base seized during a police search of Taylor's hotel room. This appeal arises from Taylor's motion to suppress statements he made to police and evidence seized during a search of his hotel room.

The magistrate judge issued a report and recommendation, adopted by the district court, recommending that the evidence and statements be suppressed because: (1) Taylor's consent to the search resulted from an unlawful detention, and (2) the statements were made when Taylor was in custody and before the police had read him

his Miranda rights. On appeal, this court remanded for a determination of whether the police legally entered the hotel room after knocking on the door and for explicit credibility determinations to determine, in detail, the circumstances of the encounter in the hotel room.

On remand, although Taylor maintained that the police barged into his hotel room, the district judge determined that Taylor acquiesced to the police officer's request to come in. The district court did not make conclusions of law.

This court remanded for the district court to enter conclusions of law and an order consistent with its findings. Based on the new factual findings and credibility determinations, the district court concluded that the interview was not custodial and the officers were not required to read the Miranda warnings. Reversing its initial ruling, the district court ordered that the motions to suppress be denied. Because the district court has reversed its initial order, the government's appeal from that order is now moot.

Accordingly, the appeal is dismissed.

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