

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

|                                      |   |                                   |
|--------------------------------------|---|-----------------------------------|
| <b>MITCHELL N. NICHOLAS,</b>         | ) |                                   |
|                                      | ) |                                   |
| <b>Petitioner,</b>                   | ) |                                   |
|                                      | ) |                                   |
| <b>v.</b>                            | ) | <b>Civil Action No. 2013-0075</b> |
|                                      | ) |                                   |
| <b>PEOPLE OF THE VIRGIN ISLANDS,</b> | ) |                                   |
|                                      | ) |                                   |
| <b>Respondent.</b>                   | ) |                                   |
|                                      | ) |                                   |

**Appearances:**

**Mitchell N. Nicholas, *Pro Se***

**Dionne G. Sinclair, Esq.,**  
St. Thomas, U.S.V.I.  
*For Respondent*

**ORDER**

**UPON CONSIDERATION** of Petitioner Mitchell Nicholas’ (“Petitioner”) “Motion Pursuant to Fed R. Civ. P. Rule 60(b)(6), 28 U.S.C.A.” (“Motion”) (Dkt. No. 59); Magistrate Judge George W. Cannon Jr.’s Report and Recommendation (“R&R”) (Dkt. No. 69); Petitioner’s objection thereto (Dkt. No. 70); Petitioner’s “Motion for an Evidentiary Hearing” (Dkt. No. 65); Petitioner’s “Motion for Emergency Hearing” (Dkt. No. 77); and Petitioner’s “Motion for an Urgent Evidentiary Hearing Under Fed. R. Civ. P. 60(b)(3),(6)” (Dkt. No. 78); and for the reasons set forth in the accompanying Memorandum Opinion filed contemporaneously herewith; it is hereby

**ORDERED** that Magistrate Judge Cannon’s R&R (Dkt. No. 69) is **ACCEPTED** on the sole basis that the Court lacks jurisdiction over this matter; and it is further

**ORDERED** that Petitioner’s Motion (Dkt. No. 59) is **DENIED**; and it is further

**ORDERED** that Petitioner's "Motion for an Evidentiary Hearing" (Dkt. No. 65); Petitioner's "Motion for Emergency Hearing" (Dkt. No. 77); and Petitioner's "Motion for an Urgent Evidentiary Hearing under Fed. R. Civ. P. 60(b)(3),(6)" (Dkt. No. 78) are **DENIED**; and it is further

**ORDERED** that the Clerk of Court shall provide a copy of this Order and its accompanying Memorandum Opinion to Petitioner by certified mail, return receipt requested.

**SO ORDERED.**

Date: September 14, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
WILMA A. LEWIS  
Chief Judge