

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

W. JAMES OELSNER,

Plaintiff,

v.

**LYNN MILLIN MADURO, Commissioner,
Department of Property and Procurement;
ALICIA BARNES, Commissioner, Department
of Planning and Natural Resources; and
NILSON PEREZ, Castillio Recycling,**

Defendants.

Civil Action No. 2014-0062

Appearances:

W. James Oelsner, *Pro Se*

St. Thomas, U.S.V.I.

Dean Barnes, Esq.

Ariel Marie Smith-Francois, Esq.

St. Thomas, U.S.V.I.

For Defendants Lynn Millin Maduro and Alicia Barnes

No Appearance

For Defendant Nilson Perez

ORDER

UPON CONSIDERATION of Magistrate Judge Ruth Miller's Report and Recommendation (Dkt. No. 78) recommending that Defendants Lynn Millin Maduro and Alicia Barnes' "Motion to Dismiss" (Dkt. No. 62) be granted, and for the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

ORDERED that Magistrate Judge Miller's Report and Recommendation dated March 5, 2024 (Dkt. No. 78) is **ADOPTED AS MODIFIED** in the accompanying Memorandum Opinion; and it is further

ORDERED that Defendants Lynn Millin Maduro and Alicia Barnes’ “Motion to Dismiss” (Dkt. No. 62) is **GRANTED**; and it is further

ORDERED that Plaintiff W. James Oelsner’s claims against all Defendants are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

SO ORDERED.

Date: June 14, 2024

_____/s/_____
WILMA A. LEWIS
District Judge