

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

CECIL FRANCIS,

Plaintiff,

v.

PEOPLE OF THE VIRGIN ISLANDS, *et al.*,

Defendant.

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Case No. 1:23-cv-0001

ORDER¹

BEFORE THE COURT is the Report and Recommendation (“R&R”) by Magistrate Judge Emile A. Henderson III, filed on August 23, 2023, recommending dismissal of the complaint with leave to amend. (ECF No. 10.) On September 15, 2023, Plaintiff submitted a letter to the Court requesting “form VI-P-CR” in order to refile his complaint. (ECF No. 14.) The Clerk’s Office responded to Plaintiff in a letter dated September 21, 2023, transmitting a copy of Form VI-P-CR. (ECF No. 16.) To date, Plaintiff has yet to file an amended pleading.

Upon consideration of the record of this case and the Court having conducted a de novo review of this matter making an independent determination finding no error in the R&R,² it is hereby

ORDERED that the Magistrate Judge’s Report and Recommendation, ECF No. 10, is **APPROVED** and **ADOPTED** as an Order of this Court as if fully set forth herein; it is further

ORDERED that the Complaint filed on January 3, 2023, ECF No. 1, is **DISMISSED without prejudice**; it is further

¹ Due to the retirement of the judge previously assigned to this case, the undersigned, exercising his authority as Chief Judge of the District Court, reassigned this case to himself on February 17, 2026.

² See *Hill v. Barnacle*, 655 Fed. Appx. 142, 148 (3d Cir. 2016) (opining that the district court is not required to make separate findings or conclusions when reviewing a Magistrate Judge’s report and recommendation de novo under 28 U.S.C. § 636(b)) (citing *Elmendorf Grafica, Inc. v. D.S. America, Inc.*, 48 F.3d 46, 49-50 (1st Cir. 1995) (opining that “[28 U.S.C. § 636(b)] authorizes the district court to adopt in whole as well as in part the proposed findings and recommendations of the magistrate judge. Where, as here, the magistrate judge decided on an undisputed factual record, the district court was certainly not required to rehash the magistrate judge’s reasoning. The role of the magistrate judge is ‘to relieve courts of unnecessary work.’”) (citations omitted).

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ORDERED that Plaintiff shall be granted 30 days from the date of receipt of this Order to amend his complaint to cure the deficiencies identified in the Report and Recommendation; it is further

ORDERED that a copy of this Order shall be served on Cecil Francis at his last known address provided to the Court by certified mail return receipt and that a copy of the return receipt be filed on the docket; and it is further

ORDERED that the Clerk of Court is directed to **CLOSE** this case. This matter shall be reopened provided that Plaintiff complies with the directives stated herein.

Dated: March 10, 2026

/s/ Robert A. Molloy

ROBERT A. MOLLOY

Chief Judge