

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

RICHARD MATTHEWS,

Plaintiff,

v.

DENISE MARSHALL, *et al.*

Defendant.

Case No. 1:24-cv-0005

ORDER¹

BEFORE THE COURT is Magistrate Judge Emile A. Henderson III's Report and Recommendation ("R&R"), filed on December 3, 2025. (ECF No. 154.) Magistrate Judge Henderson's R&R was preceded by his first Order to Show Cause, filed on July 7, 2025 (ECF No. 107); a status conference held in person on July 16, 2025 (ECF No. 107); Magistrate Judge Henderson's Order Discharging the first Order to Show Cause, filed on July 16, 2025 (ECF No. 114); Magistrate Judge Henderson's second Order to Show Cause, filed on October 9, 2025 (ECF No. 138); and Plaintiff Richard Matthews' ("Plaintiff") Response to Order to Show Cause, filed on October 23, 2025 (ECF No. 148).

The R&R recommends that Plaintiff's First Amended Complaint ("FAC"), ECF No. 34, be dismissed without prejudice for failure to timely and properly serve Defendants Jamale R. Griffin, Kathryn B. Jensen De Lugo, and Denese Marshall, and Defendant Ray Martinez in his official capacity. (ECF No. 154 at 155.) On December 16, 2025, Plaintiff Richard Marshall

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.

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filed timely Objections to the R&R.² (ECF No. 82.) The Court, having conducted a de novo review of the record and having made an independent determination finding no error, will adopt the R&R.³ Accordingly, it is hereby

ORDERED that Plaintiff's Objections to the Magistrate Judge's Report and Recommendation, filed on December 16, 2025, ECF No. 155, are **OVERRULED**; it is further

ORDERED that Magistrate Judge Henderson's Report and Recommendation, filed on December 3, 2025, ECF No. 154, is **APPROVED** and **ADOPTED** as an Order of this Court as if fully set forth herein; it is further

ORDERED that Plaintiff's claims asserted against Defendants Jamale R. Griffin, Kathryn B. Jensen De Lugo, and Denese Marshall, and Defendant Ray Martinez in his official capacity are **DISMISSED** for failure to timely effect service; it is further

ORDERED that Plaintiff's claims asserted against Defendant Ray Martinez in his unofficial capacity are permitted to **PROCEED**; it is further

² Plaintiff's Objection appears to mainly argue that Plaintiff's diligence in responding to the Court's Order should constitute good cause to extend the service deadlines and that the filing of his Second Amended Complaint reset service deadlines. However, the Court denied Plaintiff leave to file a Second Amended Complaint. (ECF No. 137.) Further, the record reflects numerous opportunities for Plaintiff to cure the service defects in this case. Plaintiff's repeated failure to cure the service defects over an extended period of time cannot constitute good cause to extend the service deadlines further. Accordingly, the Court finds the Objections to be without merit.

³ 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 the Clerk of Court is directed to mark this case **TERMINATED** as to Defendants Jamale R. Griffin, Kathryn B. Jensen De Lugo, and Denese Marshall, and Defendant Ray Martinez in his official capacity only.

Dated: March 31, 2026

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge