

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

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| <b>UNITED STATES OF AMERICA,</b>   | ) |                              |
|                                    | ) |                              |
| <b>Plaintiff,</b>                  | ) |                              |
|                                    | ) | <b>Case No. 3:14-cr-0001</b> |
| <b>v.</b>                          | ) |                              |
|                                    | ) |                              |
| <b>RICHARD ANOTNIO HODGE, JR.,</b> | ) |                              |
|                                    | ) |                              |
| <b>Defendant.</b>                  | ) |                              |

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**ORDER**

**THIS MATTER** comes before the Court on Defendant's Richard Antonio Hodge, Jr.'s ("Hodge") *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, filed on November 14, 2022. (ECF No. 153.) Magistrate Judge Ruth Miller conducted an initial review of the motion pursuant to Rule 4 of the Rules Governing Section 2255 Proceedings and issued a thorough Report and Recommendation and Order ("R&R")<sup>1</sup> on April 1, 2024, recommending, *inter alia*, that the motion be denied. (ECF No. 160.) Hodge filed objections to the R&R on May 13, 2024. (ECF No. 163.) The Court has conducted a *de novo* review of the Magistrate Judge's R&R and finds the R&R to be thorough and comprehensive addressing all substantive issues raised by Hodge.

Because the parties are intimately familiar with this matter, the Court need not restate the facts and instead will adopt the factual and procedural background as set forth by the Magistrate Judge in her R&R. *See* ECF No. 160. Furthermore, the Court conducted a *de*

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<sup>1</sup> *See* Rule 10 of the Rules Governing Section 2255 Proceedings (authorizing a magistrate judge to perform the duties of a district judge pursuant to 28 U.S.C. § 636).

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novo review of the record and has made an independent determination finding no error.<sup>2</sup>

Accordingly, it is hereby

**ORDERED** that the Magistrate Judge's Report and Recommendation, ECF No. 160, is **APPROVED** and **ADOPTED** as an Order of this Court as if fully set forth herein; it is further

**ORDERED** that Hodge's objections to the Report and Recommendation, ECF No. 163, are **OVERRULED**; it is further

**ORDERED** that Hodge's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, ECF No. 153, is **DENIED**; it is further

**ORDERED** that Defendant's Motion to Appoint Counsel, ECF No. 150, is **DENIED**; it is further

**ORDERED** that Defendant's Motion to Dismiss Information for Lack of Jurisdiction, ECF No. 151, is **DENIED**; it is further

**ORDERED** that a certificate of appealability is **DENIED**; it is further

**ORDERED** that Defendant's Motion Seeking Leave to Advance the Cause, ECF No. 164, is **MOOT**; it is further

**ORDERED** that a copy of this Order shall be served on Richard Antonio Hodge, Jr. by certified mail return receipt requested and that a copy of the return receipt shall be filed on the docket; and it is further

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<sup>2</sup> 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 a copy of this Order shall be docketed in the companion civil case of *Hodge v. United States*, Case No. 3:22-cv-0070 and the Clerk of Court is directed to **CLOSE** that case.

**Dated:** March 4, 2026

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