

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

KALIF FLANDERS a/k/a SMOKE DOG,

Defendant.

Case No. 1:11-cr-0004-02

ORDER¹

BEFORE THE COURT is Defendant Kalif Flanders' ("Flanders") *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, filed on February 9, 2017.² (ECF No. 225.)

Magistrate Judge George W. Cannon, Jr. issued a Report and Recommendation ("R&R") on April 2, 2018, recommending, *inter alia*, that Flanders' section 2255 motion be denied. *See* ECF No. 238. The Court, having conducted a de novo review of the record and having made an independent determination finding no error,³ will adopt the R&R.⁴ Accordingly, it is hereby

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 A duplicate of this motion was filed in the companion civil case of *Flanders v. United States*, Case No. 1:17-cv-0006 on February 10, 2017.

³ The Court notes that, in addition to the issues address by the R&R, Flanders raised a single-sentence issue claiming that the "District Court Erred in its Memorandum and Opinion, dated July 25, 2014, in Not Granting Flanders' Motion for New Trial based on Juror 27's concealing the fact that she had 3 relatives murdered by a weapon." (ECF No. 225 at 2.) This argument was not developed any further, nor was any factual or legal support provided for this argument. "Perfunctory and undeveloped arguments, and arguments that are unsupported by pertinent authority, are waived (even where those arguments raise constitutional issues)." *Kantz v. Univ. of the V.I.*, Civil No. 2008-0047, 2016 U.S. Dist. LEXIS 65973, at n.1 (D.V.I. May 19, 2016).

⁴ *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 Defendant's Objection to the Magistrate Judge's Report and Recommendation, filed on July 25, 2019, ECF No. 262, is **OVERRULED**; it is further

ORDERED that the Magistrate Judge's Report and Recommendation, ECF No. 238, is **APPROVED** and **ADOPTED** as an Order of this Court as if fully set forth herein; it is further

ORDERED that Defendant's *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, filed on April 2, 2018, ECF No. 225, is **DENIED**; it is further

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

ORDERED that a copy of this Order shall be served on Kalif Flanders by certified mail return receipt requested and that a copy of the return receipt shall be filed on the docket; and it is further

ORDERED that a copy of this Order shall be docketed in the companion civil case of *Flanders v. United States*, Case No. 1:17-cv-0006 and the Clerk of Court is directed to **CLOSE** that case.

Dated: March 30, 2026

/s/ Robert A. Molloy

ROBERT A. MOLLOY
Chief Judge