

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

ELISTON F. GEORGE,

Plaintiff,

v.

**RICK MULLGRAV, Director of the Virgin
Islands Bureau of Corrections; and
SHELLY DEWESE,**

Defendants.

Civil Case No. 2013-0047

Appearances:

Eliston George

Oakwood, VA

Plaintiff Pro Se

Erika Marie Scott, Esq.

St. Croix, U.S.V.I.

For Defendants

ORDER

UPON CONSIDERATION of Magistrate Judge George W. Cannon, Jr.'s Amended Report and Recommendation ("R&R") (Dkt. No. 32), Plaintiff Eliston F. George's ("Plaintiff") Objection to the R&R (Dkt. No. 35), the Memorandum Opinion filed contemporaneously herewith, and the entire record, it is hereby

ORDERED that the Magistrate Judge's R&R (Dkt. No. 32) is adopted except for the recommendation to dismiss Plaintiff's claim for punitive damages against Defendants Dewese and Mullgrav in their individual capacities; and it is further

ORDERED that Plaintiff's Motion for Summary Judgment (Dkt. No. 13) is **DENIED** and treated as a Response to Defendants' Motion to Dismiss (Dkt. 25); and it is further

ORDERED that Plaintiff's Motion for a Preliminary Injunction (Dkt. No. 14) is **DENIED**; and it is further

ORDERED that Plaintiff's Motion for Default Judgment (Dkt. No. 24) is **DENIED**; and it is further

ORDERED that Defendant Dewese's Motion to Dismiss (Dkt. No. 9) is **DENIED AS MOOT** in light of the filing of Plaintiff's "Supplemental Pleading" (Dkt. No. 15); and it is further

ORDERED that Defendants' "Motion to Dismiss for Failure to State a Claim" (Dkt. No. 25) is **GRANTED IN PART AND DENIED IN PART**—dismissing all claims except the Access to Court Claims against Dewese in her individual capacity; the Compact Clause Claim against Mullgrav in his official and individual capacities; and the request for punitive damages against these Defendants in their individual capacities—as set out in the accompanying Memorandum Opinion; and it is further

ORDERED that Plaintiff shall have up to and including 45 days from the date of his receipt of this Order in which to make service of his Complaint and Supplemental Pleading on the Governor of the Virgin Islands as required by Fed. R. Civ. P. 4(j)(2).

SO ORDERED.

Date: April 9, 2021

/s/
WILMA A. LEWIS
Chief Judge