

**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 Defendants Doctors Lindsay Wagner, Jewel Owen, Rita Dudley-Grant, and Lori Thompson’s (“Moving Defendants”) Motion to Dismiss, or in the Alternative, Motion for Severance, filed on July 23, 2024. (ECF No. 70.)

Magistrate Judge Emile A. Henderson III issued a Report and Recommendation (“R&R”) on August 21, 2024, recommending, that Moving Defendants’ motion be granted and the claims against Moving Defendants be dismissed for lack of jurisdiction under Rule 12(b)(1) of the Federal Rules of Civil Procedure. (ECF No. 78.) On September 4, 2024, Plaintiff Richard Marshall 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

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 Plaintiff’s Objections quote sections of the R&R, raise new factual allegations, and appears to seek leave to refile a claim under 42 U.S.C. § 1983 against Moving Defendants. The Objections do not address the legal basis for the R&R’s recommendations, nor present any legal authority—notwithstanding the two cases cited regarding lack of informed consent, an unrelated legal issue—under which to challenge the R&R’s conclusion. 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

Matthews v. Marshall
Case No. 1:24-cv-0005
Order
Page 2 of 2

ORDERED that Plaintiff's Objections to the Magistrate Judge's Report and Recommendation, filed on September 4, 2024, ECF No. 82, are **OVERRULED**; it is further

ORDERED that Magistrate Judge Henderson's Report and Recommendation, filed on August 21, 2024, ECF No. 78, is **APPROVED** and **ADOPTED** as an Order of this Court as if fully set forth herein; it is further

ORDERED that Defendants Doctors Lindsay Wagner, Jewel Owen, Rita Dudley-Grant, and Lori Thompson's Motion to Dismiss, or in the Alternative, Motion for Severance, filed on July 23, 2024, ECF No. 70, is **GRANTED**; it is further

ORDERED that Plaintiff's claims asserted against Defendants Doctors Lindsay Wagner, Jewel Owen, Rita Dudley-Grant, and Lori Thompson are **DISMISSED** under Rule 12(b)(1) for lack of jurisdiction; it is further

ORDERED that the Clerk of Court is directed to mark this case **TERMINATED** as to Defendants Doctors Lindsay Wagner, Jewel Owen, Rita Dudley-Grant, and Lori Thompson only.

Dated: March 31, 2026

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

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).