

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

IN RE: PETER GAKUBA,

Petitioner.

)
)
)
)

Case No. 1:25-cv-0042

ORDER¹

BEFORE THE COURT is the Report and Recommendation (“R&R”) by Magistrate Judge Emile A. Henderson III, filed on March 10, 2026, recommending dismissal of the Petitioner Peter Gakuba’s (“Petitioner”) Petition for Writ of Habeas Corpus (ECF No. 1) and Motion for 2254 Habeas Corpus Writ (ECF No. 8) for lack of subject matter jurisdiction as second or successive petitions. (ECF No. 19.) Plaintiff filed a timely Objection on March 19, 2026. (ECF No. 22.). The Court having conducted a de novo review of this matter making an independent determination finding no error in the R&R,² it is hereby

ORDERED that Petitioner Peter Gakuba’s Objection to the Magistrate Judge’s Report and Recommendation, filed on March 19, 2026, ECF No. 22, is **OVERRULED**; it is further

ORDERED that the Magistrate Judge’s Report and Recommendation, ECF No. 19, is **APPROVED** and **ADOPTED** as an Order of this Court as if fully set forth herein; it is further

ORDERED that the Petitioner’s Petition for Writ of Habeas Corpus, filed on December 11, 2025, ECF No. 1, is **DISMISSED WITH PREJUDICE**; it is further

ORDERED that the Petitioner’s Motion for 2254 Habeas Corpus Writ, filed on December 11, 2025, ECF No. 8, is **DISMISSED WITH PREJUDICE**; it is further

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

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 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).

In re: Peter Gakuba
Case No. 1:25-cv-0042
Order
Page 2 of 2

ORDERED that a copy of this Order shall be served on Peter Gakuba at his last known address provided to the Court by certified mail return receipt and that a copy of the return receipt be filed on the docket; and it is further

ORDERED that the Clerk of Court is directed to **CLOSE** this case.

Dated: April 2, 2026

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