

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

AZIEWE CALLWOOD,

Plaintiff,

v.

**FERDI'S FOREST, INC., ABRAHAM
FERDINAND, and SARAH FERDINAND,**

Defendants.

Case No. 1:19-cv-0033

ORDER¹

THIS MATTER comes before the Court on the Report and Recommendation issued by Magistrate Judge Emile A. Henderson III, filed on October 25, 2023, recommending dismissal of the complaint for failure to prosecute. (ECF No. 38.) The Court conducted a de novo review of the record and has made an independent determination finding no error.² Accordingly, it is hereby

ORDERED that the Magistrate Judge's Report and Recommendation, ECF No. 38, is **APPROVED** and **ADOPTED** as an Order of this Court as if fully set forth herein; it is further

ORDERED that the Complaint filed on July 22, 2019, ECF No. 1, is **DISMISSED without prejudice for failure to prosecute**; 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)).

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ORDERED that a copy of this Order shall be served on Aziewe Callwood at his last known address provided to the Court 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 the Clerk of Court is directed to **CLOSE** that case.

Dated: March 4, 2026

/s/ Robert A. Molloy

ROBERT A. MOLLOY

Chief Judge