

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

MICHAEL ELLENBURG,

Plaintiff,

v.

**PEOPLE OF THE VIRGIN ISLANDS,
RESPONSIBLE GOVERNMENT AGENTS
OR AGENCIES ON EXTRACTION,
JOHN DOE, MARY DOE,**

Defendants.

Civil Action No. 23-0035

Appearances:

Michael Ellenburg

Pro Se

ORDER

THIS MATTER comes before the Court on Magistrate Judge Emile A. Henderson III's Report and Recommendation ("R&R") (Dkt. No. 21), in which he recommends the dismissal of Plaintiff Michael Ellenburg's ("Plaintiff") "Amended Complaint for Violation of Civil Rights" ("Complaint").

UPON CONSIDERATION of Magistrate Judge Henderson's R&R, and for the reasons stated in the accompanying Memorandum Opinion filed contemporaneously herewith, it is hereby

ORDERED that Magistrate Judge Henderson's R&R is **ADOPTED IN PART AND REJECTED IN PART**; and it is further

ORDERED that Magistrate Judge Henderson's R&R (Dkt. No. 21) is **ADOPTED** to the extent that it recommends dismissal of Plaintiff's Complaint with prejudice; and it is further

ORDERED that Magistrate Judge Henderson's R&R (Dkt. No. 21) is **REJECTED** to the extent that it recommends dismissal of Plaintiff's Complaint without prejudice; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED WITH PREJUDICE**;
and it is further

ORDERED that Plaintiff's Motion to Dismiss the Indictment¹ (Dkt. No. 9) is **DENIED**
AS MOOT; and it is further

ORDERED that Plaintiff's Motion to Transfer (Dkt. No. 14) is **DENIED AS MOOT**; and
it is further

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

Date: September 30, 2024

_____/s/_____
WILMA A. LEWIS
District Judge

¹ In this Motion Ellenburg seeks dismissal of an indictment, and it is labeled on the Court’s docket as a “Motion to Dismiss the [I]ndictment.” However, an Information was filed against Plaintiff in the Superior Court for the Virgin Islands, not an Indictment.