

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

DONNA HEYWOOD,

Plaintiff,

v.

HERBERT I. HORWITZ, et al.

Defendant.

Case No. 1:24-cv-0017

ORDER¹

BEFORE THE COURT is Magistrate Judge Emile A. Henderson III's Report and Recommendation ("R&R"), filed on March 17, 2026. (ECF No. 45.) The R&R recommends that Plaintiff Donna Heywood's ("Plaintiff") Complaint, ECF No. 1, be dismissed without prejudice for failure to timely and properly serve the defendants in this matter. (ECF No. 45 at 1.) On March 31, 2026, Plaintiff filed a letter in response to the R&R stating, "I w[ould] like you to dismiss the case without prejudice until I can afford to pay a private attorney." (ECF No. 49 at 1.) 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.² 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 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 Magistrate Judge Henderson's Report and Recommendation, filed on March 17, 2026, ECF No. 45, 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 August 9, 2024, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE** for failure to timely and properly serve the defendants in this matter; it is further

ORDERED that a copy of this Order shall be served on Donna Heywood at her 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** this case.

Dated: April 1, 2026

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