

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE HODGE,

Defendant.

Case No. 1:16-cr-0009-3

ORDER¹

BEFORE THE COURT are the following motions filed by Defendant Jose Hodge (“Defendant”):

1. Defendant’s Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody Pursuant to Under 28 U.S.C. § 2255, filed on October 10, 2023. (ECF No. 1987); and
2. Defendant’s Motion for an Order to Show Cause or to Grant the Writ, filed on August 15, 2024. (ECF No. 1996.)

The undersigned designated the above-referenced matters to Magistrate Judge Emile A. Henderson III for a Report and Recommendation on April 2, 2026. (ECF No. 2029.) Magistrate Judge Henderson issued the R&R on June 9, 2026, recommending, *inter alia*, that Hodge’s section 2255 motion be denied. (ECF No. 2030 at 11-12.) Hodge did not file any objections.²

The Court has conducted a de novo review of the Magistrate Judge’s R&R and finds the R&R to be thorough and comprehensive addressing all substantive issues raised by Hodge. The Court conducted a de novo review of the record and has made an independent determination finding no error.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 The Clerk’s Office served a copy of the Magistrate Judge’s R&R on Hodge by certified mail mailing it to his address at FCI Fairton in Fairton, NJ. Hodge listed this address in his section 2255 motion.

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

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ORDERED that the Magistrate Judge's Report and Recommendation, ECF No. 2030, is **APPROVED** and **ADOPTED** as an Order of this Court as if fully set forth herein; it is further

ORDERED that Defendant's Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody Pursuant to Under 28 U.S.C. § 2255, filed on October 10, 2023, ECF No. 1987, is **DENIED**; it is further

ORDERED that Motion for an Order to Show Cause or to Grant the Writ, filed on August 15, 2024, ECF No. 1996, is **MOOT**; it is further

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

ORDERED that a copy of this Order shall be served on Jose Hodge 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 a copy of this Order shall be docketed in the companion civil case of *Hodge v. United States*, Case No. 1:23-cv-0044 and the Clerk of Court is directed to **CLOSE** that case.

Dated: July 6, 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).