

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

In re: Peter Gakuba

In re Gakuba · No. 1:25-cv-0042 · Decided April 2, 2026

SUMMARY

The District Court of the Virgin Islands overruled Peter Gakuba’s objection to a magistrate judge’s Report and Recommendation. The court adopted the recommendation, dismissed his habeas corpus petitions with prejudice as second or successive petitions, denied a certificate of appealability, and closed the case.

CASE DETAILS

COURT	District Court of the Virgin Islands, Division of St. Croix
WRITING FOR THE COURT	Robert A. Molloy
JURISDICTION	District Court of the Virgin Islands, Division of St. Croix
DECIDED	April 2, 2026
DOCKET	1:25-cv-0042
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed de novo a magistrate judge's Report and Recommendation recommending dismissal of the petition and motion for a writ of habeas corpus as second or successive petitions.
STANDARD OF REVIEW	De novo review of the magistrate judge's Report and Recommendation.
PRECEDENTIAL VALUE	unpublished
PARTIES	Peter Gakuba

TOPICS

- federal habeas corpus
- successive petitions
- subject matter jurisdiction
- appellate procedure
- standard of review

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation to dismiss Gakuba's habeas filings for lack of subject matter jurisdiction because they were second or successive petitions.
2. Whether Gakuba was entitled to a certificate of appealability.

HOLDINGS

1. The court found no error in the Report and Recommendation after de novo review, overruled Gakuba's objection, and approved and adopted the recommendation as an order of the court.
2. The court dismissed the Petition for Writ of Habeas Corpus and the Motion for 2254 Habeas Corpus Writ with prejudice for lack of subject matter jurisdiction as second or successive petitions.
3. The court denied a certificate of appealability.

KEY QUOTATIONS

“The role of the magistrate judge is ‘to relieve courts of unnecessary work.’” (at 2 n.2)

FACTUAL BACKGROUND

Peter Gakuba filed two habeas-related submissions in the District Court of the Virgin Islands: a Petition for Writ of Habeas Corpus and a Motion for 2254 Habeas Corpus Writ. The magistrate judge determined that the submissions were second or successive petitions and recommended dismissal for lack of subject matter jurisdiction. Gakuba objected, but the district court found no error after conducting an independent de novo review.

PROCEDURAL HISTORY

Peter Gakuba filed a Petition for Writ of Habeas Corpus and a Motion for 2254 Habeas Corpus Writ on December 11, 2025. The magistrate judge recommended dismissal for lack of subject matter jurisdiction because the filings were second or successive petitions. Gakuba timely objected, but the district court overruled the objection, adopted the Report and Recommendation, dismissed both filings with prejudice, denied a certificate of appealability, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Hill v. Barnacle, 655 Fed. Appx. 142, 148 (3d Cir. 2016)
- Elmendorf Grafica, Inc. v. D.S. America, Inc., 48 F.3d 46, 49-50 (1st Cir. 1995)

OPINION

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). 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