

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE VIRGIN ISLANDS, DIVISION OF ST. CROIX

Mario Roebuck v. Rick Mullgrav

Case No. 1:17-cv-0053 (D.V.I. Mar. 16, 2026) · No. 1:17-cv-0053 · Decided March 16, 2026

SUMMARY

The District Court of the Virgin Islands adopted a magistrate judge’s Report and Recommendation recommending dismissal of Mario Roebuck’s petition. The petition was dismissed without prejudice, and the case was ordered closed after no objection was filed.

CASE DETAILS

COURT	United States District Court for the District of the Virgin Islands, Division of St. Croix
WRITING FOR THE COURT	Robert A. Molloy
JURISDICTION	United States District Court for the District of the Virgin Islands, Division of St. Croix
DECIDED	March 16, 2026
DOCKET	1:17-cv-0053
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending dismissal of the petition. No objection was filed, and the district court conducted a de novo review, adopted the recommendation, and dismissed the petition without prejudice.
STANDARD OF REVIEW	De novo review of the magistrate judge's Report and Recommendation under 28 U.S.C. § 636(b).
PRECEDENTIAL VALUE	Unknown; the document is a district-court order and the source metadata identifies its precedential status as unknown.
PARTIES	Mario Roebuck v. Rick Mullgrav

TOPICS

- post-conviction relief
- civil procedure

PRACTICE AREAS

civil procedure

post-conviction relief

QUESTIONS PRESENTED

1. Whether the district court could adopt the magistrate judge's Report and Recommendation after conducting a de novo review and finding no error.
2. Whether the petition should be dismissed without prejudice.

HOLDINGS

1. After independently reviewing the matter de novo and finding no error, the district court adopted the magistrate judge's Report and Recommendation as an order of the court.
2. The petition was dismissed without prejudice.

KEY QUOTATIONS

“The Court having conducted a de novo review of this matter making an independent determination finding no error in the R&R, it is hereby ORDERED that the Magistrate Judge’s Report and Recommendation, ECF No. 7, is APPROVED and ADOPTED as an Order of this Court as if fully set forth herein”

FACTUAL BACKGROUND

The opinion contains no substantive factual findings concerning the underlying petition. The relevant procedural facts are that Roebuck filed a petition, a magistrate judge recommended dismissal, and Roebuck did not object to the recommendation.

PROCEDURAL HISTORY

Mario Roebuck filed the petition on December 8, 2017. Magistrate Judge George W. Cannon, Jr. issued a Report and Recommendation on May 23, 2018, recommending dismissal. After no objection was filed, the district court independently reviewed the matter, found no error, adopted the Report and Recommendation, dismissed the petition without prejudice, and closed the case.

DISPOSITION

dismissed

CASES CITED

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

OPINION

Roebuck

PER CURIAM.

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

MARIO ROEBUCK,)

) Petitioner,)) v.) Case No. 1:17-cv-0053)

RICK MULLGRAV,)

) Respondent.)

ORDER1

BEFORE THE COURT is the Report and Recommendation (“R&R”) by Magistrate Judge George W. Cannon, Jr., filed on May 23, 2018, recommending dismissal of the petition. (ECF No. 7.) Plaintiff did not file an objection. 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 the Magistrate Judge’s Report and Recommendation, ECF No. 7, is APPROVED and ADOPTED as an Order of this Court as if fully set forth herein; it is further ORDERED that the Petitioner filed on December 8, 2017, ECF No. 1, is DISMISSED WITHOUT PREJUDICE; it is further ORDERED that a copy of this Order shall be served on Mario Roebuck 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: March 16, 2026 /s/ Robert A. Molloy

ROBERT A. MOLLOY

Chief Judge 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).