

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF THE VIRGIN ISLANDS

Cecil Francis v. Doctor Mullens

Francis · No. 3:23-cv-0039 · Decided April 13, 2026

SUMMARY

The District Court of the Virgin Islands conducted a de novo review and approved a magistrate judge’s recommendation to transfer the case to the United States District Court for the Western District of Virginia. The court ordered the clerk to effectuate the transfer, provide the order to the plaintiff by certified mail, and close the case.

CASE DETAILS

COURT	United States District Court for the District of the Virgin Islands
WRITING FOR THE COURT	Robert A. Molloy
JURISDICTION	United States District Court for the District of the Virgin Islands
DECIDED	April 13, 2026
DOCKET	3:23-cv-0039
DISPOSITION	remanded
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation de novo and considered whether to transfer the action to the United States District Court for the Western District of Virginia.
STANDARD OF REVIEW	De novo review of the magistrate judge's Report and Recommendation under 28 U.S.C. § 636(b).
PRECEDENTIAL VALUE	Unknown

TOPICS

- venue
- civil procedure
- federalism

PRACTICE AREAS

- civil procedure
- venue
- federal courts

QUESTIONS PRESENTED

1. Whether the district court should approve and adopt the magistrate judge's Report and Recommendation recommending transfer of the action to the Western District of Virginia.
2. Whether a district court reviewing a magistrate judge's Report and Recommendation de novo must make separate findings or conclusions.

HOLDINGS

1. A district court is not required to make separate findings or conclusions when conducting de novo review of a magistrate judge's Report and Recommendation.
2. The magistrate judge's recommendation to transfer the action to the United States District Court for the Western District of Virginia was approved and adopted.

KEY QUOTATIONS

“[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.” (Order at 1)

FACTUAL BACKGROUND

The order provides little substantive factual information about the underlying dispute. The material procedural fact is that the magistrate judge recommended transferring the action from the District Court of the Virgin Islands to the United States District Court for the Western District of Virginia.

PROCEDURAL HISTORY

Magistrate Judge Ruth Miller issued a Report and Recommendation on January 17, 2024, recommending transfer of the case to the Western District of Virginia. The district court conducted an independent de novo review, found no error, approved and adopted the recommendation, ordered transfer, directed the Clerk to transmit the case, and closed the case.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Clerk was ordered to transfer the case to the United States District Court for the Western District of Virginia, provide the plaintiff with a copy of the order by certified mail, and close the case.

CASES CITED

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

OPINION

