

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
NORTH CAROLINA

**Justine Garland v. Ramada by Wyndham Raleigh, et al.**

Garland · No. 5:25-CV-00601-M-BM · Decided February 11, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina adopts a magistrate judge’s recommendation after finding no clear error and no timely objections. The court dismisses the plaintiff’s complaint for failure to prosecute and denies without prejudice her applications to proceed in forma pauperis.

CASE DETAILS

|                       |                                                                                                                                                                                                                    |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of North Carolina                                                                                                                                            |
| WRITING FOR THE COURT | Richard E. Myers II                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Eastern District of North Carolina                                                                                                                                            |
| DECIDED               | February 11, 2026                                                                                                                                                                                                  |
| DOCKET                | 5:25-CV-00601-M-BM                                                                                                                                                                                                 |
| DISPOSITION           | dismissed                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | The district court reviewed a magistrate judge's Memorandum and Recommendation recommending dismissal of the complaint for failure to prosecute. No party filed a timely objection.                                |
| STANDARD OF REVIEW    | Absent a specific and timely objection to a magistrate judge's recommendation, the district court reviews the recommendation for clear error. Portions to which a timely objection is made receive de novo review. |
| PRECEDENTIAL VALUE    | Unknown; district court order with no reporter citation.                                                                                                                                                           |
| PARTIES               | Justine Garland v. Ramada by Wyndham Raleigh, et al.                                                                                                                                                               |

TOPICS

civil procedure

PRACTICE AREAS

civil procedure federal magistrate judge recommendations failure to prosecute

## QUESTIONS PRESENTED

1. What standard of review applies when no party files a specific and timely objection to a magistrate judge's Memorandum and Recommendation?
2. Whether the district court should adopt the magistrate judge's recommendation and dismiss the complaint for failure to prosecute.
3. Whether the plaintiff's applications to proceed in forma pauperis should be denied without prejudice.

## HOLDINGS

1. When no party files a specific and timely objection to a magistrate judge's recommendation, the district court reviews the recommendation for clear error and may adopt it without providing an explanation.
2. Because the court found no clear error in the magistrate judge's recommendation, it adopted the recommendation and dismissed the plaintiff's complaint for failure to prosecute.
3. The plaintiff's applications to proceed in forma pauperis were denied without prejudice.

## KEY QUOTATIONS

*“Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation.”*

*“Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own.”*

## FACTUAL BACKGROUND

The plaintiff filed a civil complaint and applications to proceed in forma pauperis. A magistrate judge recommended dismissal of the complaint for failure to prosecute. The M&R and objection instructions were served on the parties, but neither party filed a timely objection.

## PROCEDURAL HISTORY

United States Magistrate Judge Brian S. Meyers issued an M&R recommending dismissal for failure to prosecute and served it on the parties on January 13, 2026. After receiving no timely objections, the district court reviewed the M&R for clear error, adopted it, dismissed the complaint, and denied Plaintiff's applications to proceed in forma pauperis without prejudice.

## DISPOSITION

dismissed

## CASES CITED

- Mathews v. Weber, 423 U.S. 261, 271 (1976)
- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION Case No. 5:25-CV-00601-M-BM JUSTINE GARLAND, Plaintiff, ORDER RAMADA BY WYNDHAM RALEIGH, et al., Defendants. This matter comes before the court on the Memorandum and Recommendation (“M&R”) issued by United States Magistrate Judge Brian S. Meyers [DE 9]. Therein, Judge Meyers recommends that Plaintiff’s complaint be dismissed for failure to prosecute.

The M&R, along with instructions and a deadline for filing objections, was served on the parties on January 13, 2026. See *id.* Neither party filed a timely objection. A magistrate judge’s recommendation carries no presumptive weight.

The court “may accept, reject, or modify, in whole or in part, the... recommendation| ]... receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1); accord *Mathews v. Weber*, 423 U.S. 261, 271 (1976).

The court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Jd.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins.*

*Co.*, 416 F.3d 310, 315 (4th Cir. 2005). Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. See *Diamond*, 416 F.3d at 315.

For the reasons stated therein, Plaintiff’s complaint is DISMISSED for failure to prosecute and her Applications to Proceed In Forma Pauperis [DE 2, 7] are DENIED WITHOUT PREJUDICE. SO ORDERED this J] day of February, 2026. when) E Maes RICHARD E. MYERS II CHIEF UNITED STATES DISTRICT JUDGE