

**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

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