

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA**

Lawrence Huger Jr. v. Allied Universal at Crabtree Valley Mall, et al.

Case No. 5:25-CV-00750-M-KS (E.D.N.C. Jan. 2026) · No. 5:25-CV-00750-M-KS · Decided January 14, 2026

OPINION

HUGER

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:25-CV-00750-M-KS

LAWRENCE HUGER JR.,

Plaintiff,

V. ORDER

ALLIED UNIVERSAL AT CRABTREE

VALLEY MALL, et al. Defendants. This matter comes before the court on the Memorandum and Recommendation (“M&R”) issued by United States Magistrate Judge Kimberly A. Swank [DE 15]. Therein, Judge Swank, having conducted a frivolity review pursuant to 28 U.S.C. § 1915(e) (2)(B), recommends that Plaintiff be permitted to proceed on his ADA claim against Allied Universal at Crabtree Valley Mall but that his ADA claims against the individual defendants be dismissed as frivolous or for failure to state a claim. *Jd.* at 3; see *Barid ex rel. Baird v. Rose*, 192 F.3d 462, 472 (4th Cir. 1999) (finding that neither Title VII nor the ADA provides for actions against individual defendants who are not employers). The M&R, along with instructions and a deadline for filing objections, was served on the parties on December 16, 2025. 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 claims against Kaity McCarrey, Marquee Mercer,

and Michael Lastinger are DISMISSED as frivolous and for failure to state a claim. Plaintiff's claim against Allied Universal at Crabtree Valley Mall is permitted to proceed. Also pending before the court is Plaintiff's Motion for Leave to Proceed In Forma Pauperis [DE 10]. Judge Swank has already granted a similar motion and waived Plaintiff's filing fee, see DE 9, so the motion is DENIED AS MOOT. SO ORDERED this day of January, 2026. Ook | TV aa

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE