

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA

Edwin Holliday v. State Employee Credit Union

Holliday · No. 5:25-CV-00810-M-RJ · Decided February 11, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina adopts a magistrate judge's recommendation to dismiss Edwin Holliday's complaint for failure to prosecute. The court also denies Holliday's application to proceed in forma pauperis without prejudice after finding no clear error and no timely objections.

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-00810-M-RJ
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Memorandum and Recommendation recommending dismissal of the complaint for failure to prosecute.
STANDARD OF REVIEW	Absent a specific and timely objection to a magistrate judge's recommendation, the district court reviews for clear error; timely objections require de novo review of the objected-to portions.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Edwin Holliday v. State Employee Credit Union

TOPICS

civil procedure

PRACTICE AREAS

civil procedure federal magistrate judge practice

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation when no party filed a timely objection.
2. Whether the complaint should be dismissed for failure to prosecute and the application to proceed in forma pauperis denied without prejudice.

HOLDINGS

1. When no specific and timely objection is filed to a magistrate judge's recommendation, the district court reviews the recommendation for clear error and may adopt it without providing an explanation.
2. The complaint was properly dismissed for failure to prosecute, and the application to proceed in forma pauperis was 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 tie 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's complaint was subject to a magistrate judge's recommendation that it be dismissed for failure to prosecute. The recommendation and instructions for filing objections were served on the parties, but neither party filed a timely objection.

PROCEDURAL HISTORY

Magistrate Judge Robert B. Jones, Jr. recommended dismissal for failure to prosecute. The recommendation and objection instructions were served on January 16, 2026, and neither party filed a timely objection. The district court reviewed the recommendation for clear error, found none, adopted it, dismissed the complaint, and denied the application 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

Holliday

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF NORTH CAROLINA

WESTERN DIVISION

Case No. 5:25-CV-00810-M-RJ

EDWIN HOLLIDAY,

Plaintiff, v. ORDER

STATE EMPLOYEE CREDIT UNION,

Defendant. This matter comes before the court on the Memorandum and Recommendation (“M&R”) issued by United States Magistrate Judge Robert B. Jones, Jr. [DE 4]. Therein, Judge Jones 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 16, 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.2d at 315. For the reasons stated therein, Plaintiff's complaint is DISMISSED for failure to prosecute and his Application to Proceed In Forma Pauperis [DE 2] is DENIED WITHOUT PREJUDICE. - SO ORDERED this ae _ day of February, 2026. On MW\ 40s

RICHARD E. MYERS I

CHIEF UNITED STATES DISTRICT JUDGE