

**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

OPINION

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 tie 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