

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA

Kenneth Chan v. Genuine D. Edwards and Erik Carlson

Chan · No. 5:25-CV-751-FL · Decided February 23, 2026

SUMMARY

The United States District Court for the Eastern District of North Carolina adopted a magistrate judge’s recommendation and dismissed Kenneth Chan’s pro se complaint without prejudice under 28 U.S.C. § 1915(e)(2)(B). The dismissal was based on the plaintiff’s failure to correct deficiencies, and the clerk was directed to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina
JURISDICTION	United States District Court for the Eastern District of North Carolina
DECIDED	February 23, 2026
DOCKET	5:25-CV-751-FL
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a pro se complaint under 28 U.S.C. § 1915(e) after a magistrate judge recommended dismissal. No objections to the memorandum and recommendation were filed.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's memorandum and recommendation, the district court reviews the magistrate judge's findings and conclusions for clear error and need not provide an explanation for adopting the recommendation.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown
PARTIES	Kenneth Chan v. Genuine D. Edwards, Erik Carlson

TOPICS

- pleadings
- civil procedure

PRACTICE AREAS

- Federal civil procedure
- In forma pauperis proceedings
- Magistrate judge recommendations

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's memorandum and recommendation when no objections were filed.
2. Whether the pro se complaint should be dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B) for failure to correct deficiencies.

HOLDINGS

1. When no objections are filed to a magistrate judge's memorandum and recommendation, the district court reviews the magistrate judge's findings and conclusions for clear error and may adopt the recommendation without providing an explanation.
2. A pro se complaint may be dismissed without prejudice under 28 U.S.C. § 1915(e)(2)(B) when the plaintiff fails to correct identified deficiencies.

KEY QUOTATIONS

“Because no objections have been filed, the court reviews the magistrate judge’s findings and conclusions only for clear error, and need not give any explanation for adopting the M&R.”

“The court hereby ADOPTS the recommendation of the magistrate judge as its own, and plaintiffs action is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to correct deficiencies.”

FACTUAL BACKGROUND

The plaintiff filed a pro se complaint that the magistrate judge determined contained deficiencies requiring correction. The plaintiff failed to correct those deficiencies and did not object to the magistrate judge's recommendation that the complaint be dismissed.

PROCEDURAL HISTORY

Magistrate Judge Robert T. Numbers, II, issued a memorandum and recommendation recommending dismissal of plaintiff's complaint for failure to correct deficiencies. Plaintiff filed no objections, so the district court reviewed the recommendation for clear error, adopted it, dismissed the action without prejudice under 28 U.S.C. § 1915(e)(2)(B), and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Diamond v. Colonial Life & Accident Insurance Co., 416 F.3d 310, 315 (4th Cir. 2005)
- Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:25-CV-751-FL KENNETH CHAN,)) Plaintiff,)) v.)) ORDER GENUINE D. EDWARDS and ERIK) CARLSON,)) Defendants.) This matter is before the court for review of plaintiff's pro se complaint (DE 1) pursuant to 28 U.S.C. § 1915(e). United States Magistrate Judge Robert T. Numbers, II, entered memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), wherein it is recommended plaintiff's complaint be dismissed.

(DE 5). Plaintiff did not file objections to the M&R, and the time within which to make any objection has expired. In this posture, the issues raised are ripe for ruling. Upon a careful review of the M&R, the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

Because no objections have been filed, the court reviews the magistrate judge's findings and conclusions only for clear error, and need not give any explanation for adopting the M&R. *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005); *Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

The magistrate judge recommends dismissal failure to correct deficiencies. Upon careful review of the M&R, the court finds the magistrate judge's analysis to be thorough, and there is no clear error. The court hereby ADOPTS the recommendation of the magistrate judge as its own, and plaintiffs action is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to correct deficiencies.

The clerk of court is DIRECTED to close the case. SO ORDERED, this the 23rd day of February, 2026. United States District Judge