

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7029

KENNETH TURNER,

Plaintiff - Appellant,

versus

CRAVEN COUNTY COMMISSIONERS OFFICE, Sheriff,
Jail Medical Personnel; DURHAM COUNTY JAIL,
medical personnel, Sheriff; GUILFORD COUNTY
JAIL, medical personnel, Sheriff; LARRY
UNKNOWN, Craven County Jail, medical
personnel; BARBARA UNKNOWN, Craven County
Jail, medical personnel; TRISH CALLISON, RN,

Defendants - Appellees,

and

RUTH DAVIS; SUSAN AGUIRRE; D. PICKETT, RN,

Defendants.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. James C. Fox, Senior
District Judge. (CA-01-572-5-F)

Submitted: January 15, 2004

Decided: January 27, 2004

Before WIDENER and TRAXLER, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kenneth Turner, Appellant Pro Se. Scott Christopher Hart, SUMRELL, SUGG, CARMICHAEL, HICKS & HART, PA, New Bern, North Carolina; Steven Price Weaver, Richard David Yeoman, TUGGLE, DUGGINS & MESCHAN, PA, Greensboro, North Carolina; Curtis Oscar Massey, II, NORTH CAROLINA DEPARTMENT OF JUSTICE, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Kenneth Turner appeals the district court's order dismissing his claims filed under 42 U.S.C. § 1983 against various local entities and individuals for deliberate indifference to medical needs. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B)(2000). The magistrate judge issued a report and recommendation ("MRR") in which he recommended dismissing the claims against all but three individual defendants so that service of process could be perfected. The district court adopted the MRR to the extent that it recommended dismissing Turner's claims. The district court further ordered that Turner's claims against the remaining three defendants be dismissed.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). We conclude Turner has waived appellate review of the MRR's recommendation to dismiss because he did not file specific objections to this recommendation after receiving proper notice.

With regard to the district court's dismissal of the claims against the three remaining individual defendants, we have reviewed

the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See Turner v. Craven County Comm'rs Office, No. CA-01-572-5-F (E.D.N.C. Apr. 28, 2003). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED