

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7004

O. GARRY OKPALA,

Plaintiff - Appellant,

versus

STEVEN J. GAL, Warden of the Federal
Correctional Institution FCI Estill SC;
GRUBBS, Counselor at FCI Estill SC; RANEW,
Corrections Officer at FCI Estill SC; FOSSE,
Lt at FCI Estill SC; ADDUCCI, Disciplinary
Hearing Officer DHO at FCI Estill SC; FEDERAL
BUREAU OF PRISONS; UNITED STATES OF AMERICA,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. Terry L. Wooten, District Judge.
(CA-01-4252-0-25BD)

Submitted: October 20, 2004

Decided: December 1, 2004

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

Affirmed by unpublished per curiam opinion.

O. Garry Okpala, Appellant Pro Se. Barbara Murcier Bowens, OFFICE
OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

O. Garry Okpala appeals the district court's orders accepting the recommendations of the magistrate judge and denying relief on Okpala's complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics,* 403 U.S. 388 (1971), and the court's order denying Okpala's motions to reconsider. Okpala also challenges the magistrate judge's order denying additional discovery. We have reviewed the record and the opinions of the district court and magistrate judge and find no reversible error in the denial of Okpala's Bivens claims, reconsideration, or discovery. Accordingly, we affirm for the reasons stated by the district court and magistrate judge. See Okpala v. Gal, No. CA-01-4252-0-25BD (D.S.C. filed June 28, 2002 & entered July 1, 2002; filed Nov. 12, 2002 & entered Nov. 13, 2002; filed Apr. 26, 2004 & entered Apr. 27, 2004; filed May 25, 2004 & entered May 26, 2004; May 27, 2004).

With regard to Okpala's claim under the Federal Tort Claims Act ("FTCA"), the magistrate judge recommended that relief

* Okpala asserted on appeal that he never received the magistrate judge's Report and Recommendation recommending that the district court dismiss certain of his claims under 28 U.S.C.A. § 1915(e)(2)(B) (West Supp. 2004) and § 1915A (West Supp. 2004), and that the district court therefore erred in adopting the magistrate judge's recommendations. We have reviewed de novo the claims the magistrate judge recommended the district court dismiss, and find that the district court did not err in dismissing those claims. See Veney v. Wyche, 293 F.3d 726, 730 (4th Cir. 2002) (holding that de novo standard of review applies under § 1915A).

be denied and advised Okpala that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Okpala failed to specifically object to the magistrate judge's recommended disposition of his FTCA claim. 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). Okpala has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm this portion of the district court's judgment. 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