

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6562

JAMES E. MCKISSICK, JR.,

Plaintiff - Appellant,

versus

DAVID CLARY; DOUG WHITAKER; GAFFNEY POLICE
DEPARTMENT,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Spartanburg. Henry M. Herlong, Jr., District
Judge. (CA-04-135-7-HMH)

Submitted: August 18, 2005

Decided: August 25, 2005

Before WIDENER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James E. McKissick, Jr., Appellant Pro Se. James Dean Jolly, Jr.,
Stacey Todd Coffee, LOGAN, JOLLY & SMITH, LLP, Anderson, South
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James E. McKissick, Jr., appeals the district court's order dismissing his claims filed under 42 U.S.C. § 1983 (2000). 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 in which he recommended granting summary judgment to Defendants. The district court adopted the report and recommendation, finding that McKissick failed to file specific objections.

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). On appeal, McKissick does not challenge the district court's conclusion that his objections were merely general. See 4th Cir. R. 34(b) (failure to raise claim in informal brief waives consideration of that claim). Accordingly, we conclude that McKissick has waived appellate review of both the substance of the magistrate judge's report and the district court's construction of his objections.

Thus, we affirm the order of the district court. 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