

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7342

ROBERT EARL VANCE,

Plaintiff - Appellant,

versus

JURELL BYRD, Jail Administrator; PATSIE
JOHNSON, Jail Official; KATHY FRANKLIN,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. R. Bryan Harwell, District Judge.
(CA-04-715-8-RBH)

Submitted: January 26, 2006

Decided: February 2, 2006

Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert Earl Vance, Appellant Pro Se. Russell W. Harter, Jr.,
CHAPMAN, HARTER & GROVES, P.A., Greenville, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert Earl Vance appeals the district court's order granting summary judgment to Defendants in Vance's 42 U.S.C. § 1983 (2000) suit. 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 Vance failed to file specific objections.

The timely filing of specific objections to a magistrate judge's report and 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, Vance 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 Vance 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