

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6698

QUINTON L. BRISBANE,

Plaintiff - Appellant,

versus

BEAUFORT COUNTY SHERIFF'S DEPARTMENT; C. L.
WILSON, Corporal; J. PURDY, Sergeant; S.
RODRIGUEZ,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Henry M. Herlong, Jr., District
Judge. (4:04-cv-00401-HMH)

Submitted: August 31, 2006

Decided: May 11, 2007

Before MICHAEL, MOTZ, and GREGORY, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Quinton L. Brisbane, Appellant Pro Se. Marshall Hodges Waldron,
Jr.; Katy Anne Rice, CAROLINA LITIGATION ASSOCIATES, LLC, Bluffton,
South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Quinton L. Brisbane seeks to appeal the district court's order denying relief on his 42 U.S.C. § 1983 (2000) complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied and advised Brisbane that failure to file timely and specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Brisbane's objections to the magistrate judge's recommendation were non-specific.

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 of the consequences of noncompliance. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Brisbane has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court as modified to reflect that the dismissal of Brisbane's pendent state law claims should be dismissed without prejudice.

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 AS MODIFIED