

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7835

MOSHE DAYAN AITCH,

Plaintiff - Appellant,

v.

DENISE LECHELE MAYBIN; ANETRA LASHUN SMITH; TUWANA WILLIAMS,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Beaufort. Henry M. Herlong, Jr., District Judge. (9:08-cv-02242-HMH)

Submitted: April 23, 2009

Decided: April 30, 2009

Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Moshe Dayan Aitch, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Moshe Dayan Aitch appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2006) complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2006). The magistrate judge recommended that relief be denied and advised Aitch that failure to file timely specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Aitch failed to file specific objections to the magistrate judge's recommendation.

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). Aitch has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we affirm the judgment 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