

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1430

PATRICIA SAWASKY,

Plaintiff - Appellant,

v.

BRIAN WALLACE BRIAN,

Defendant - Appellee.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. Henry F. Floyd, District Judge.
(6:09-cv-00580-HFF)

Submitted: September 10, 2009 Decided: September 14, 2009

Before KING, DUNCAN, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Patricia Sawasky, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patricia Sawasky, who proceeds in forma pauperis, appeals the district court's order dismissing her action against Defendant. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2006). After conducting a 28 U.S.C. § 1915 (2006) review, the magistrate judge recommended that relief be denied and advised Sawasky that failure to file timely objections to this recommendation would waive appellate review of a district court order based upon the recommendation. Despite this warning, Sawasky 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). Sawasky has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we affirm the district court's judgment.

* Instead, Sawasky filed a "Motion to Change the Judge," in which she summarily stated that she disagreed with the magistrate judge's recommendation.

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