

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-2394

BENJAMIN T. ALSTON,

Plaintiff - Appellant,

v.

GE GAS TURBINES GREENVILLE LLC,

Defendant - Appellee,

and

GENERAL ELECTRIC COMPANY,

Defendant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., Senior District Judge. (6:08-cv-02897-HMH)

Submitted: April 22, 2010

Decided: April 26, 2010

Before TRAXLER, Chief Judge, and KING and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Benjamin T. Alston, Appellant Pro Se. Charles Edgar McDonald, III, OLGETREE, DEAKINS, NASH, SMOAK & STEWART, PC, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Benjamin T. Alston appeals the district court's order granting summary judgment to Appellee in Alston's civil action alleging discrimination, in violation of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C.A. §§ 12101 to 12213 (West 2005 & Supp. 2009), and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e to 2000e-17 (2006) and retaliatory discharge, in violation of S.C. Code Ann. § 41-1-80 (2009). 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 Appellee's summary judgment motion be granted and advised Alston that failure to file specific and timely objections to the recommendation could waive appellate review of a district court order based on that recommendation. Despite this warning, Alston filed only general objections to the magistrate judge's recommendation that did not address the magistrate judge's findings.

The filing of specific objections to a magistrate judge's recommended disposition is necessary to preserve appellate review of the substance of that recommendation when the parties have been warned of the consequences of noncompliance. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Alston has waived appellate

review in this case by failing to file specific objections to the magistrate judge's report 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