

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-1467

DANIELLE C. SMITH,

Plaintiff - Appellant,

v.

BANK OF STANLY,

Defendant - Appellee.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., Senior District Judge. (1:09-cv-00951-NCT-LPA)

Submitted: November 28, 2011

Decided: December 14, 2011

Before DUNCAN, DAVIS, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bruce M. Simpson, JAMES, MCELROY & DIEHL, PA, Charlotte, North Carolina, for Appellant. Denise Smith Cline, LAW OFFICES OF DENISE SMITH CLINE, Raleigh, North Carolina; Matthew N. Leerberg, SMITH MOORE LEATHERWOOD LLP, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Danielle C. Smith appeals the district court's order denying relief on her action alleging employment discrimination. The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2011). The magistrate judge recommended that the Defendant's motion for summary judgment be granted and that the action be dismissed, and advised Smith that failure to file timely, specific written objections to this recommendation could waive appellate review of a district court order based upon the recommendation under Fed. R. Civ. P. 72(b). We note that the magistrate judge provided this notice despite the fact that Smith was represented by counsel. As noted by the district court's order accepting the magistrate judge's recommendation, Smith's objections were not 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). Smith has waived appellate review by failing to 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