

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6443

ADRIAN MARION SMITH,

Plaintiff - Appellant,

v.

WARDEN JOHN MCCALL; CAPTAIN MELVIN BOSEMAN; CAPTAIN TINA
SYPHERTT; DENNIS PATTERSON, Division of Operations; MAJOR
MARSH,

Defendants - Appellees,

and

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS; SCDS
CLASSIFICATION BELLINGER,

Defendants.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Margaret B. Seymour, District
Judge. (3:09-cv-02786-MBS)

Submitted: July 28, 2011

Decided: August 2, 2011

Before SHEDD, AGEE, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Adrian Marion Smith, Appellant Pro Se. Evan Markus Gessner,
LIDE & PAULEY, LLC, Lexington, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adrian Marion Smith appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2006) complaint. 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 relief be denied and advised Smith that failure to file timely specific objections to this recommendation could waive appellate review of a district court order based upon the 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). 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