UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-1333

KENDA R. KIRBY,

Plaintiff - Appellant,

v.

NORTH CAROLINA STATE UNIVERSITY,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Louise W. Flanagan, District Judge. (5:13-cv-00850-FL)

Submitted: August 17, 2015 Decided: September 2, 2015

Before WILKINSON, AGEE, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kenda R. Kirby, Appellant Pro Se. Alexander McClure Peters, Special Deputy Attorney General, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kenda R. Kirby appeals the district court's order denying relief on her civil complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012). The magistrate judge recommended that relief be denied and advised Kirby that failure to file 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). Liberally construed, Kirby's objections to the magistrate judge's report and recommendation specifically challenged the magistrate judge's failure to address her claims concerning Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 (2012), and the recommendation to deny relief on her due process and equal protection claims. By failing to file specific objections to the magistrate judge's recommendation with regard to her other claims, after receiving proper notice, Kirby has waived appellate review of those claims.

Turning to the district court's dismissal of Kirby's Title IX, equal protection, and due process claims, we have reviewed the record and discern no reversible error. Accordingly, we affirm the judgment of the district court. Kirby v. N.C. State Univ., No. 5:13-cv-00850-FL (E.D.N.C. Mar. 11, 2015). We deny Kirby's motion to allow a new issue on appeal and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED