

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-6127

MACK NEIL MYERS,

Plaintiff - Appellant,

versus

THOMAS E. ATKINS, Warden,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Henry M. Herlong, Jr., District Judge. (CA-97-1893-10-20BD)

Submitted: April 16, 1998

Decided: May 4, 1998

Before WILKINS and HAMILTON, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Mack Neil Myers, Appellant Pro Se. Andrew Foster McLeod, HARRIS & MCLEOD, Cheraw, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals the district court's order dismissing his 42 U.S.C. § 1983 (1994), complaint. Appellant's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Appellant that failure to file specific, timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Appellant filed only a general objection which merely stated that Appellee failed to respond to Appellant's discovery requests. This general objection is insufficient to preserve appellate review of Appellant's claims. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

Specific objections to the magistrate judge's report and recommendation are necessary in order to focus the court's attention on disputed issues, Thomas, 474 U.S. at 147-48, and to preserve appellate review of the substance of that recommendation when the parties have been warned that failure to specifically object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Appellant waived appellate review by failing to raise specific objections after receiving proper notice. Accordingly, we affirm the order 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