

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6348

KIM TYRONE JESSUP,

Plaintiff - Appellant,

v.

THEODORE DAVID HILL, Detective; JOHN PAUL TIMBERLAKE, Detective; STEVEN WAYNE TOLLIE, Corporal; CITY OF WINSTON-SALEM, NORTH CAROLINA, Forsyth County; RENEE SUZANNE MELLY, Detective; TIMOTHY VAUGHN SOUTHERN, Sergeant; JAMES THOMAS MCKNIGHT, Deputy; JAMIE DENTON, Deputy; DANNY CARTER, Deputy; WINSTON-SALEM POLICE DEPARTMENT; FORSYTH COUNTY,

Defendants - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:06-cv-01114-WO-WWD)

Submitted: July 10, 2009

Decided: August 14, 2009

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kim Tyrone Jessup, Appellant Pro Se. James R. Morgan, Jr., Robert T. Numbers, II, WOMBLE, CARLYLE, SANDRIDGE & RICE, PLLC, Winston-Salem, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kim Tyrone Jessup 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. § 636(b)(1)(B) (2006). The magistrate judge recommended that relief be denied and advised Jessup that failure to file timely and specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Although Jessup filed timely objections, he failed to object to the magistrate judge's recommendation that his claim was barred by collateral estoppel.

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). Jessup has waived appellate review by failing to timely file specific objections to a dispositive basis for the ruling after receiving proper notice.* Accordingly, we affirm the judgment of the district court.

* In any event, we have reviewed the record and agree that Jessup's § 1983 complaint is barred by the doctrine of collateral estoppel.

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