

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-2194**

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DENISE ERNUL,

Plaintiff - Appellant,

v.

APPALACHIAN COUNCIL OF GOVERNMENTS,

Defendant - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. Timothy M. Cain, District Judge. (6:21-cv-01842-TMC)

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Submitted: August 29, 2023

Decided: August 31, 2023

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Before KING, AGEE, and BENJAMIN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**ON BRIEF:** Howard E. Sutter III, SUTTER LAW FIRM, LLC, Easley, South Carolina, for Appellant. Derwood L. Aydlette, III, GIGNILLIAT, SAVITZ & BETTIS, L.L.P., Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Denise Ernul appeals the district court's order granting the defendant's motion to dismiss and dismissing Ernul's employment discrimination complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended that the defendant's motion to dismiss be granted and that Ernul's complaint be dismissed pursuant to Fed. R. Civ. P. 37, 41(b), after finding that Ernul had not participated in discovery in good faith and had failed to comply with the magistrate judge's discovery orders. Because Ernul did not file objections to the magistrate judge's recommendation, the district court reviewed it for clear error only and, discerning none, adopted it. We affirm.

The timely filing of specific objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation. *See Solis v. Malkani*, 638 F.3d 269, 273-74 (4th Cir. 2011) (recognizing that failure to object to magistrate judge's recommendation forfeits appeal and applying forfeiture rule despite magistrate judge's failure to warn counsel about consequences of not objecting); *Wells v. Shriners Hosp.*, 109 F.3d 198, 199-201 (4th Cir. 1997) (same). Because Ernul failed to object to the magistrate judge's recommendation, she has forfeited appellate review of the district court's order adopting that recommendation.\*

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\* Although this forfeiture rule is subject to exceptions, *see Arakas v. Comm'r, Soc. Sec. Admin.*, 983 F.3d 83, 105 (4th Cir. 2020), Ernul does not argue on appeal that she satisfies any of those exceptions.

We thus affirm the district court's order. We 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*