

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-6171**

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ROBERT LEWIS,

Plaintiff - Appellant,

v.

HOKE COUNTY; HUBERT PETERKIN; ABL FOOD SERVICE, a/k/a Summit Food Services, LLC; SOUTHERN HEALTH PARTNERS; NEKIA REVELS; KEVIN EDGE; BERNIECE, ABL Food Service Manager,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:17-cv-00987-WO-JLW)

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Submitted: May 19, 2022

Decided: May 24, 2022

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Before MOTZ and HARRIS, Circuit Judges, and TRAXLER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Robert Lewis, Appellant Pro Se. Bradley O. Wood, WOMBLE BOND DICKINSON (US) LLP, Winston-Salem, North Carolina; Christopher Donald Tomlinson, MOORE & VAN ALLEN, PLLC, Charlotte, North Carolina; Angela Ruth Sheets, HARRIS, CREECH, WARD & BLACKERBY, New Bern, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Lewis appeals the district court's order accepting the magistrate judge's recommendation and granting Appellees summary judgment on Lewis' 42 U.S.C. § 1983 complaint. Lewis also challenges the district court's orders denying his motions for appointment of counsel, denying his motion to compel discovery, and striking his reply briefs as untimely filed. We affirm.

Regarding the district court's order granting Appellees summary judgment, 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 relief be denied and advised Lewis 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. *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017); *Wright v. Collins*, 766 F.2d 841, 846-47 (4th Cir. 1985); *see also Thomas v. Arn*, 474 U.S. 140, 154-55 (1985). Although Lewis received proper notice and filed timely objections to the magistrate judge's recommendation, the district court found that the objections were not specific to the particularized legal recommendations made by the magistrate judge.\* Accordingly, Lewis has waived appellate review of the district court's order. *See Martin*,

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\* Lewis does not challenge this finding in his informal brief and has therefore waived review of it on appeal. 4th Cir. R. 34(b) (limiting this Court's review to issues raised in informal brief); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) (same).

858 F.3d at 245 (holding that, “to preserve for appeal an issue in a magistrate judge’s report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection” (internal quotation marks omitted)).

As to the remainder of the appeal, we conclude that the magistrate judge did not abuse his discretion by denying Lewis’ motions for appointment of counsel. *See Whisenant v. Yuam*, 739 F.2d 160, 163 (4th Cir. 1984) (establishing standard for appointment of counsel in civil cases), *abrogated on other grounds by Mallard v. U.S. Dist. Ct.*, 490 U.S. 296, 298 (1989). Nor did the magistrate judge abuse his discretion by denying Lewis’ motion to compel discovery as untimely filed. *See Kitlinski v. U.S. Dep’t of Justice*, 994 F.3d 224, 233 (4th Cir. 2021) (noting standard of review for discovery rulings), *cert. denied*, 142 S. Ct. 778 (2022). Finally, we conclude that the district court did not abuse its discretion by striking Lewis’ reply briefs as untimely filed. *See Turner v. United States*, 736 F.3d 274, 283 (4th Cir. 2013) (reviewing “a district court’s decisions pertaining to the management of its own docket” for abuse of discretion).

We therefore affirm the district court’s judgment. 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*