

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-1484

WILLIAM STRASBURG,

Plaintiff - Appellant,

v.

HARDY COUNTY, WV; MOOREFIELD POLICE DEPARTMENT,

Defendants - Appellees.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Thomas S. Kleeh, Chief District Judge. (2:22-cv-00006-TSK-MJA)

Submitted: August 24, 2023

Decided: August 29, 2023

Before QUATTLEBAUM and HEYTENS, Circuit Judges, and MOTZ, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

William Strasburg, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Strasburg appeals the district court's order adopting the magistrate judge's recommendations and denying relief on Strasburg's civil complaint as well as on various supplemental motions and notices he filed in conjunction with his complaint. The district court referred Strasburg's case and the supplemental motions to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) on three separate occasions. Accordingly, in three separate reports, the magistrate judge recommended that relief be denied and advised Strasburg that failure to file timely, specific objections to the recommendations could waive appellate review of a district court order based upon them. Strasburg filed objections only to the first report. In its order, the district court found that because Strasburg's objections to the first report were not sufficiently specific and he had filed no objections to the second and third reports, it was under no obligation to conduct a de novo review of the magistrate judge's findings.

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). Strasburg received proper notice of the magistrate judge's first and second report but has not preserved appellate review as to those reports. Thus, we affirm the district court's order adopting the first and second reports. As to the third report, it is unclear from the record whether Strasburg received proper notice of this report and his obligation to file specific objections to it to preserve appellate review.

Accordingly, we vacate the order to the extent it adopts the third report, denies any of Strasburg's motions regarding the third report and dismisses his complaints without prejudice. We remand to the district court to address the apparent return of the third report as undeliverable and any impact such return might have on Strasburg's preservation of appellate review as to that report. We deny Strasburg's motion to compel responses to discovery and for sanctions.

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.

VACATED AND REMANDED