

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8239

ALBERT D. PAGE,

Plaintiff - Appellant,

v.

CECILIA REYNOLDS, Warden; JAMES JEFFERSON, Lieutenant Supervisor; NANCY PRICE, Officer; JON OZMINT, Director, South Carolina Department of Corrections in their official and individual capacities; LAMANDY PERRY, Officer; ALLISON MCCASKILL, Nurse; DOCTOR MCKENNEY; DOCTOR DUFFY, a/k/a Doctor McDuffy, orthopedic specialist; DEFENDANTS,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Beaufort. Henry F. Floyd, District Judge. (9:07-cv-03060-HFF)

Submitted: April 22, 2009

Decided: May 8, 2009

Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Albert D. Page, Appellant Pro Se. William Henry Davidson, II, Joel Steve Hughes, DAVIDSON & LINDEMANN, PA, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Albert D. Page appeals the district court's order dismissing with prejudice Page's 42 U.S.C. § 1983 (2000) complaint alleging deliberate indifference to his serious medical needs and excessive force. His claims were referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2006). The magistrate judge found Page's claims to be without merit, and recommended the district court deny relief. Page filed objections to the magistrate judge's findings with regard to Page's excessive force claim, but failed to object to the magistrate judge's deliberate indifference findings. The district court overruled Page's objections and dismissed with prejudice Page's claims.

The timely filing of 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 that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Accordingly, we find that Page has waived appellate review of the claim of deliberate indifference to his serious medical needs. We affirm the judgment of the district court as to this claim.

Concerning the remainder of Page's appeal, we have reviewed the record, and find no reversible error. Accordingly,

we affirm for the reasons stated by the district court. See
Page v. Reynolds, No. 9:07-cv-03060-HFF (D.S.C. Sept. 29, 2008).
We deny Page's motions to depose a witness and for summary
disposition. 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