

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7885

WILLIAM DALE ALLEN, SR.,

Plaintiff - Appellant,

v.

LISA CARRINGTON, in her individual capacity; VERA JENKINS,
in her individual capacity; STAN BURTT, in his individual
capacity; JON OZMINT, Director, South Carolina Department of
Corrections,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. David C. Norton, Chief District
Judge. (4:07-cv-00797-DCN)

Submitted: March 16, 2010

Decided: March 22, 2010

Before NIEMEYER, MOTZ, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William Dale Allen, Sr., Appellant Pro Se. Robert Holmes Hood,
HOOD LAW FIRM, Charleston, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Dale Allen, Sr., 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 Allen that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Allen failed to object to the magistrate judge's 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. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Allen has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

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