

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6500

ROBERT WILLIAM WAZNEY,

Plaintiff - Appellant,

v.

KEN NELSON, Warden, Individual and Official Capacities; RANDALL WILLIAMS, Regional Director, Individual and Official Capacities; ROSEANNE WILSON, Grievance Coordinator, Individual and Official Capacities; LEE MEDICAL DOCTOR, Individual and Official Capacities; MS. SINGLETARY, Lee Medical Nurse, Individual and Official Capacities; BRIAN STIRLING, Director, Individual and Official Capacities; LEFFORD FATE, Deputy Director Health Services, Individual and Official Capacities; MEDICAL DEPARTMENT LEE CORRECTIONAL,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Joseph Dawson, III, District Judge. (6:20-cv-03366-JD)

Submitted: September 22, 2022

Decided: September 27, 2022

Before WILKINSON, DIAZ, and RUSHING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert William Wazney, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert William Wazney appeals the district court's order dismissing his 42 U.S.C. § 1983 civil rights action. 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 Wazney's motion for a third extension of time to file an amended complaint be denied and that the action be dismissed and advised Wazney that failure to file timely and specific objections to this recommendation would 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 Wazney received proper notice and filed timely objections to the magistrate judge's recommendation, he has waived appellate review because the objections were not specific to the particularized legal recommendations made by the magistrate judge. *See Martin*, 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)). Accordingly, we affirm the judgment of the district court.

We deny Wazney's motion to appoint counsel and 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