

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-1519

THOMAS C. JACOBI ALLEN,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at
Columbia. Jacquelyn Denise Austin, District Judge. (3:24-cv-01325-JDA)

Submitted: November 4, 2024

Decided: November 13, 2024

Before WYNN, HARRIS, and BERNER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas C. Jacobi Allen, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas C. Jacobi Allen appeals the district court's order accepting the recommendation of the magistrate judge and dismissing Allen's civil action, brought pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400-1482, without prejudice and without issuance and service of process. The district court referred the pretrial matters to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1). The magistrate judge recommended that the case be summarily dismissed as frivolous and advised Allen 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). Allen has forfeited appellate review by failing to file objections to the magistrate judge's recommendation after receiving proper notice. Accordingly, we affirm the district court's order. *Allen v. United States*, No. 3:24-cv-01325-JDA (D.S.C. May 23, 2024). We deny Allen's motions for default judgment and for other forms of relief. 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