

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-1769

LINDSEY HOWELL, a/k/a Wallace Lindsey Howell,

Plaintiff - Appellant,

v.

UPGRADE, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Jacquelyn Denise Austin, District Judge. (6:24-cv-04228-JDA)

Submitted: June 25, 2026

Decided: June 29, 2026

Before BENJAMIN and BERNER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Wallace Lindsey Howell, Appellant Pro Se. Nicholas Ryan Gex, Peter George Siachos, GORDON REES SCULLY & MANSUKHANI LLP, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lindsey Howell appeals the district court's order accepting the magistrate judge's recommendation, dismissing all of Howell's claims but one, and remanding the remaining breach of contract claim to state court.* 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 relief be denied and advised Howell that failure to timely file 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 Howell received proper notice and filed timely objections to the magistrate judge's recommendation, his objections were not specific to the particularized legal recommendations made by the magistrate judge, so appellate review is foreclosed. *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.

* Howell has filed a motion to take judicial notice. We deny all pending motions.

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