

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2326

MARY PENLAND,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (6:07-cv-03977-HMH)

Submitted: March 17, 2009

Decided: March 19, 2009

Before TRAXLER, KING, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mary Penland, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mary Penland appeals the district court's order dismissing her civil action against the United States. 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 the complaint be dismissed without prejudice for Penland's failure to perfect service of process and advised Penland that failure to file specific objections to this recommendation would waive appellate review of a district court order based upon the recommendation. Penland did not specifically object to the dispositive portion of 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. United States v. Midgette, 478 F.3d 616, 621-22 (4th Cir. 2007); see also Thomas v. Arn, 474 U.S. 140 (1985). Penland has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. Further, we deny Penland's motion to void her plea agreement with the Government.

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