

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7485

ROGER KELLEY,

Plaintiff - Appellant,

v.

LARRY POWERS, Director, Spartanburg County Detention Center;
TERESA SPELLER, Head of Security at Spartanburg County
Detention Center,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. G. Ross Anderson, Jr., District
Judge. (9:07-cv-03655-GRA)

Submitted: January 7, 2009

Decided: January 20, 2009

Before WILKINSON, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Roger Kelley, Appellant Pro Se. Andrew Todd Darwin, HOLCOMBE,
BOMAR, GUNN & BRADFORD, PA, Spartanburg, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Roger Kelley appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2000) 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 Kelley that failure to file timely, specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Kelley failed to file specific objections to the magistrate judge's recommendation; he only restated the claims raised in his complaint.

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 that the failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Kelley has waived appellate review by failing to 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