

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 08-8327**

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ANTHONY JAMES,

Plaintiff - Appellant,

v.

LT. JUNE, Officer of Lee Correctional Institution; LT.  
HANCOCK, Officer of Lee Correctional Institution,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Florence. Henry M. Herlong, Jr., District  
Judge. (4:08-cv-00058-HMH)

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Submitted: April 23, 2009

Decided: May 1, 2009

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Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Anthony James, Appellant Pro Se. Bradford Cary Andrews, Samuel  
F. Arthur, III, AIKEN, BRIDGES, NUNN, ELLIOTT & TYLER, PA,  
Florence, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony James seeks to appeal 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 James that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, James failed to file specific objections to the magistrate judge's 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. See United States v. Midgette, 478 F.3d 616, 621-22 (4th Cir. 2007); see also Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). James has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we dismiss the appeal. We deny James's motion for appointment of counsel.

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.

DISMISSED