

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-2076

TYVETTE MCBRIDE,

Plaintiff - Appellant,

v.

SOCIAL SECURITY,

Defendant - Appellee,

and

SSA (Social Security Administration),

Party-in Interest.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Mark S. Davis, District Judge. (2:10-cv-00440-MSD-TEM)

Submitted: February 23, 2012

Decided: February 27, 2012

Before MOTZ, DAVIS, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tyvette McBride, Appellant Pro Se. Susan Lynn Watt, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tyvette McBride appeals the district court's order dismissing under Fed. R. Civ. P. 41(b) her complaint seeking judicial review of the Commissioner's denial of her claims for disability insurance benefits and supplemental security income. The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2011). The magistrate judge recommended that the complaint be dismissed for failure to prosecute under Rule 41(b) and advised McBride that failure to file timely 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. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). McBride has waived appellate review by failing to file 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