

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 17-1781

JOSEPH PIRELA,

Plaintiff - Appellant,

v.

THE STATE OF FLORIDA, Discrimination in Cases with No evidence and State of Florida False Sentences; DENIS FONSECA, Miami Police officer; ANGEL MIRANDA, Miami Police officer; DAVID COUNTIN, Miami Police officer; DON SMITH, Miami Police officer; JOHN EDWARDS, Miami Police officer; CITY OF MIAMI; THOMAS WILLIAMS; ILEANA ROS-LEHTINEN; CARLOS ALVAREZ; ALOYMA SANCHEZ; MERCEDES ALEMAN; ETHIEL CALDERON; OLALDA VILLALOBOS; IRVVIN GONZALEZ; BERNANDO ROMAN; ALL DEFENDANTS IN CASE NO. 16-CV-24631; MIAMI DEPARTMENT OF CHILDREN AND FAMILIES; JACKSON HOSPITAL; ATTORNEY GENERAL, Miami Florida,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Dever III, Chief District Judge. (5:17-cv-00160-D)

Submitted: October 19, 2017

Decided: October 23, 2017

Before NIEMEYER, MOTZ, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Joseph Pirela, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph Pirela appeals the district court's order adopting the magistrate judge's recommendation to dismiss, as frivolous under 28 U.S.C. § 1915(e)(2)(B) (2012), Pirela's civil complaint against Defendants. On appeal, we confine our review to the issues raised in the Appellant's brief. *See* 4th Cir. R. 34(b). Pirela's informal brief does not challenge the basis for the district court's disposition and, thus, Pirela has forfeited appellate review of the district court's order. *See Williams v. Giant Food Inc.*, 370 F.3d 423, 430 n.4 (4th Cir. 2004).

In addition, Pirela's complaint was referred to the magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012), thereby requiring Pirela to file timely specific objections to the recommendation in order to preserve appellate review of the substance of that recommendation. *See Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985). Pirela was warned of the consequences of his failure to timely file specific objections. Although Pirela filed objections to the magistrate judge's recommendation, rather than challenge the magistrate judge's dispositive reasons for recommending dismissal of his claims, Pirela's objections merely restated the allegations underlying his claims. Thus, we also conclude that Pirela has waived appellate review of the district court's order adopting the magistrate judge's recommendation.

For these reasons, we affirm the district court's judgment. *See Pirela v. Florida*, No. 5:17-cv-00160-D (E.D.N.C. June 5, 2017). 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