

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1045

BARBARA NEWMAN,

Plaintiff - Appellant,

v.

TRIBAL CASINO GAMING ENTERPRISE,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina,
at Asheville. Martin K. Reidinger, District Judge. (1:17-cv-00077-MR-DLH)

Submitted: March 13, 2018

Decided: March 16, 2018

Before NIEMEYER, KING, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Barbara Newman, Appellant Pro Se. Patrick McQuillan Aul, COZEN O'CONNOR,
Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Barbara Newman appeals the district court's order dismissing her action seeking relief under the Age Discrimination in Employment Act, *see* 29 U.S.C. §§ 621-634 (2012), for lack of subject matter jurisdiction on the basis of tribal sovereign immunity. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012). The magistrate judge recommended that relief be denied and advised Newman 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). “[T]o preserve for appeal an issue in a magistrate judge's report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection.” *Makdessi v. Fields*, 789 F.3d 126, 131 (4th Cir. 2015) (internal quotation marks omitted); *see Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017). Newman's objections were nonspecific and did not address the issue of tribal sovereign immunity, the sole basis for the magistrate judge's recommendation. Thus, she has waived appellate review of that dispositive issue by failing to file specific objections after receiving adequate notice.

Additionally, on appeal, we confine our review to the issues raised in the Appellant's brief. *See* 4th Cir. R. 34(b). Newman's informal brief also fails to address

the issue of tribal sovereign immunity. As she does not challenge the basis for the district court's disposition, Newman has forfeited appellate review of the court's order. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) (“The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief.”).

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 this court and argument would not aid the decisional process.

AFFIRMED