

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1022

JEFFREY M. SHOURDS,

Plaintiff - Appellant,

v.

DELTA AIRLINES, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at
Charleston. David C. Norton, District Judge. (2:16-cv-03300-DCN)

Submitted: October 31, 2019

Decided: December 10, 2019

Before KING and KEENAN, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

Jeffrey M. Shourds, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey M. Shourds appeals the district court's order accepting the recommendation of the magistrate judge and dismissing Shourds' complaint against his former employer, Delta Airlines, Inc., alleging discrimination based on age, disability, and gender, and the creation of a hostile work environment.* 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 Shourds 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. *United States v. Midgette*, 478 F.3d 616, 621-22 (4th Cir. 2007); *see also Thomas v. Arn*, 474 U.S. 140, 154-55 (1985). Assuming that Shourds' objections were sufficiently specific to preserve his right to appellate review, we have reviewed the record and find no reversible error in the district court's order granting summary judgment to Delta. Accordingly, we affirm the

* Although Shourds did not file a notice of appeal from the district court's final order entered on January 7, 2019, we conclude that we have jurisdiction over that order because he filed his informal brief within the applicable appeal period. *See Smith v. Barry*, 502 U.S. 244, 248-49 (1992) (holding that appellate brief may serve as notice of appeal provided it otherwise complies with rules governing proper timing and substance). In addition, we decline to review Shourds' claim—raised for the first time on appeal—that the district court was biased against him. *See Pornomo v. United States*, 814 F.3d 681, 686 (4th Cir. 2016) (recognizing that this court generally will not consider issues raised for first time on appeal absent exceptional circumstances).

district court's order *Shourds v. Delta Airlines, Inc.*, No. 2:16-cv-03300-DCN (D.S.C. Jan. 7, 2019). To the extent Shourds seeks to appeal the district court's now-vacated order dated October 23, 2018, we dismiss this portion of the appeal. 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.

*DISMISSED IN PART,
AFFIRMED IN PART*