

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-1746

TYSHA S. HOLMES,

Plaintiff - Appellant,

v.

RYAN D. MCCARTHY, Secretary of the Army,

Defendant - Appellee,

and

ERIC K. FANNING, Secretary of the Army; UNITED STATES DEPARTMENT
OF THE ARMY,

Defendants.

Appeal from the United States District Court for the District of South Carolina, at
Columbia. J. Michelle Childs, District Judge. (3:17-cv-00682-JMC)

Submitted: December 17, 2020

Decided: December 21, 2020

Before THACKER, HARRIS, and QUATTLEBAUM, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tysha S. Holmes, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tyscha S. Holmes, who filed multiple claims against the Secretary of the Army (“the Secretary”) arising from her employment termination, appeals the district court’s judgment entered after the court first granted Defendants summary judgment on some of Holmes’ claims and later granted the Secretary’s motion to dismiss Holmes’ remaining claims. For the following reasons, we affirm.

After Defendants filed a motion for summary judgment on many of Holmes’ claims, the magistrate judge recommended granting the motion, in part, and warned that Holmes would waive appellate review of the district court’s judgment based upon the recommendation if she failed to object within 14 days. Holmes failed to file her objections within the 14-day period. The court thus reviewed the record for clear error, adopted the magistrate judge’s recommendation, and granted Defendants summary judgment as to several of Holmes’ claims.

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). Holmes has thus waived appellate review of the court’s order granting partial summary judgment.

We turn then to the court’s dismissal of Holmes’ remaining claims for lack of subject matter jurisdiction. We have considered Holmes’ arguments pertaining to the propriety of this order in conjunction with the record and discern no reversible error. Accordingly, we affirm the district court’s judgment. *See Holmes v. McCarthy*, No. 3:17-

cv-00682-JMC (D.S.C. March 3, 2020). 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