

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6594

DAVID FARRELL SULLIVAN,

Plaintiff - Appellant,

versus

JON OZMINT, South Carolina Department of
Corrections, Director; MR. RABB AND MR.
LAWTER, Tyger River Classification Managers;
MS. MANESS, Tyger River Mailroom Supervisor;
ASSOCIATE WARDEN LLOYD; ASSOCIATE WARDEN
COUNTS; MAJOR BREWTON; CAPTAIN THOMPSON;
LIEUTENANT SHELTON; MARY MCCABE, Librarian;
LIEUTENANT PEAK; LIEUTENANT BAILY; WARDEN,
SCDC Kirkland R&E Center; RICHARD SMITH,
Warden, SCDC; CAPTAIN ALEXANDER, SMU; NURSE
SMILEY,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. Henry F. Floyd, District Judge.
(6:04-cv-23266-HFF)

Submitted: March 14, 2007

Decided: May 17, 2007

Before NIEMEYER, TRAXLER, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Farrell Sullivan, Appellant Pro Se. Michael Stephen Pauley,
VINTON D. LIDE & ASSOCIATES, Lexington, South Carolina; Sheally

Venus Poe, ALLEN, KOPET & ASSOCIATES, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Farrell Sullivan appeals the district court's order adopting the recommendation of the magistrate judge to grant the Appellees' motion for summary judgment in this action brought under 42 U.S.C. § 1983 (2000). Sullivan also appeals the district court's paperless order denying his Fed. R. Civ. P. 59(e) motion. We have reviewed the record and find no reversible error.* Accordingly, we affirm substantially for the reasons stated by the district court. Sullivan v. Ozmint, No. 6:04-cv-23266-HFF (D.S.C. Aug. 24, 2005 and Mar. 16, 2006). 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

*Sullivan failed to object specifically to the magistrate judge's recommendation to deny relief for failure to exhaust administrative remedies on all claims except for Sullivan's environmental tobacco smoke ("ETS") claim. Sullivan received proper notice of the consequences for failure to file specific objections; therefore, he waived review of the exhaustion issue. See Wright v. Collins, 766 F.3d 841, 845-46 (4th Cir. 1985). Furthermore, Sullivan does not reference exhaustion in his informal brief. See 4th Cir. R. 34(b) (limiting review to issues raised in informal brief). Sullivan's ETS claim is meritless for the reasons discussed by the magistrate judge and adopted by the district court.