

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-6986

EDWARD B. BENNETT,

Plaintiff - Appellant,

and

LEVI LINGARD; WILLIAM WEATHERS,

Plaintiffs,

versus

AL CANNON, JR., Esquire; REGGIE TRIPPLETT,
Doctor, National Commission of Health Care,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. G. Ross Anderson, Jr., District
Judge. (9:05-cv-01644-GRA)

Submitted: October 18, 2006

Decided: November 20, 2006

Before MOTZ, KING, and SHEDD, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Edward B. Bennett, Appellant Pro Se. Stephanie Pendarvis McDonald,
Charleston, South Carolina; Theresa Johnson Leinbach, THERESA
JOHNSON LEINBACH LAW OFFICE, Charleston, South Carolina; Robert
Holmes Hood, HOOD LAW FIRM, Charleston, South Carolina; John K.
Blinchow, Jr., Robert Gerald Chambers, Jr., Ashley S. Heslop,

TURNER, PADGET, GRAHAM & LANEY, P.A., Charleston, South Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Edward B. Bennett appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2000) complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended granting the Defendants' motion for summary judgment and advised Bennett that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Bennett failed to object to the magistrate judge's 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). Bennett has waived appellate review by failing to timely file specific objections after receiving proper notice.

Accordingly, we deny Bennett's motion for appointment of counsel, and we affirm the judgment of the district court. Because, however, Bennett's action was dismissed upon a grant of summary judgment to the Defendants, we modify the district court's order to the extent it assessed a strike pursuant to 28 U.S.C. § 1915(g) (2000), to delete that assessment. 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 AS MODIFIED