

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7617

MACK NEIL MYERS,

Plaintiff - Appellant,

v.

JON OZMINT, Director of SCDC; RICHARD BAZZEL, Warden; OLSON,
Food Service Director; RAVIST, Nurse,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. Henry M. Herlong, Jr., District
Judge. (9:07-cv-01131-HMH)

Submitted: March 27, 2008

Decided: April 2, 2008

Before TRAXLER and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Mack Neil Myers, Appellant Pro Se. Russell W. Harter, Jr.,
CHAPMAN, HARTER & GROVES, PA, Greenville, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mack Neil Myers 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 that relief be denied and advised Myers that failure to file timely, specific objections to this recommendation would waive appellate review of a district court order based upon the recommendation. Despite this warning, Myers' objections, though timely filed, did not specifically identify Myers' bases for objecting to the dispositive portions of 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. United States v. Midgette, 478 F.3d 616, 621-22 (4th Cir. 2007); see also Thomas v. Arn, 474 U.S. 140 (1985). Myers has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. Further, we deny Myers' motion for appointment of counsel.

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