

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-2239

GINA M. FLORES-CLARIDY, on behalf of C.M.B.,

Plaintiff - Appellant,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant - Appellee.

Appeal from the United States District Court for Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, District Judge. (2:07-cv-00278-RBS-JEB)

Submitted: January 15, 2009

Decided: January 21, 2009

Before MOTZ and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Gina M. Flores-Claridy, Appellant Pro Se. Lawrence Richard Leonard, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gina M. Flores-Claridy appeals the district court's order granting summary judgment to the Commissioner of Social Security upon the determination that substantial evidence supported the denial of Flores-Claridy's application for insurance benefits on behalf of her son. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B)(2006). The magistrate judge recommended that relief be denied and advised Flores-Claridy 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, Flores-Claridy failed to specifically 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). Flores-Claridy has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. 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