

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8397

REGINALD D. EVANS,

Plaintiff - Appellant,

v.

SUMTER COUNTY, South Carolina; CITY OF SUMTER, SOUTH
CAROLINA; PATTY J. PATTERSON, Chief of Sumter Police; SUMTER
POLICE DEPARTMENT; SUMTER-LEE REGIONAL DETENTION CENTER,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Joseph F. Anderson, Jr., District
Judge. (3:07-cv-02688-JFA-JRM)

Submitted: December 17, 2009

Decided: January 6, 2010

Before MOTZ, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Reginald D. Evans, Appellant Pro Se. Alfred Johnston Cox, ELLIS,
LAWHORNE & SIMS, PA, Columbia, South Carolina; James M. Davis,
Jr., DAVIDSON & LINDEMANN, PA, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Reginald D. Evans appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2006) complaint. 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 Evans 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, Evans 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). Evans 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