

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6032

JOHN ROOSEVELT BACCUS,

Plaintiff - Appellant,

v.

SERGEANT WILSON; LIEUTENANT STEWART; MAJOR MONTEL; SERGEANT JONES; STAN BURTT, Warden; EMRHEIN, JR.; BLOWE; MS. JENKINS; WILLIAMS; WALKER,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Beaufort. David C. Norton, Chief District Judge. (9:08-cv-00326-DCN)

Submitted: June 22, 2009

Decided: June 29, 2009

Before MICHAEL, TRAXLER, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

John Roosevelt Baccus, Appellant Pro Se. Walker Heinitsh Willcox, WILLCOX BUYCK & WILLIAMS, PA, Florence, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Roosevelt Baccus 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 Baccus 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, Baccus 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). Baccus 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 deny Baccus's motions for appointment of counsel and summary disposition.

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