

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7275

WILLIE J. ASBURY,

Plaintiff - Appellant,

v.

DONALD DRISKELL; ARTHUR BUTLER; CYNTHIA MIMS; JOETTE
SCARBOROUGH,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. David C. Norton, Chief District
Judge. (3:08-cv-02671-DCN)

Submitted: November 19, 2009

Decided: December 3, 2009

Before MOTZ, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Willie J. Asbury, Appellant Pro Se. Erin Mary Farrell, Daniel
Roy Settana, Jr., MCKAY, CAUTHEN, SETTANA & STUBLEY, PA,
Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie J. Asbury 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 Asbury 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, Asbury failed to object timely 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). Asbury 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