

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7351

JERRY ALEXANDER CANZATER,

Plaintiff - Appellant,

v.

KENNETH SCOTT, Sergeant; JEREMY FELDER, Officer; OFFICER HUDSON; OFFICER LIKELY,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Henry M. Herlong, Jr., Senior District Judge. (0:08-cv-03481-HMH)

Submitted: January 19, 2010

Decided: January 27, 2010

Before NIEMEYER, KING, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jerry Alexander Canzater, Appellant Pro Se. Daniel C. Plyler, DAVIDSON & LINDEMANN, PA, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerry Alexander Canzater appeals the district court's orders dismissing with prejudice his 42 U.S.C. § 1983 (2006) complaint and denying his subsequent Fed. R. Civ. P. 59(e) motion. 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 the complaint be dismissed with prejudice and advised Canzater that failure to file timely and specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Canzater failed to timely 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). Canzater has waived appellate review by failing to timely file objections after receiving proper notice. Accordingly, we affirm both orders from which Canzater appeals. We deny Appellees' motion to dismiss for lack of jurisdiction.

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