

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-7950**

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MICHAEL BRUNELL FLANIGAN,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; FEDERAL BUREAU OF PRISONS; REX  
BLOCKER, Physician FCI Edgefield; RICHARD KELSO, Lieutenant  
FCI Edgefield; JOHN J. LAMANNA, Warden FCI Edgefield; HARLEY  
G. LAPPIN, Director BOP; HECTOR LOPEZ, Physician FCI  
Edgefield,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. R. Bryan Harwell, District Judge.  
(8:08-cv-00941-RBH)

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Submitted: January 19, 2010                      Decided: January 28, 2010

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Before NIEMEYER, KING, and DAVIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Michael Brunell Flanigan, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Brunell Flanigan appeals the district court's order dismissing without prejudice his complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). 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 without prejudice and advised Flanigan 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, Flanigan 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). Flanigan has waived appellate review by failing to file 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