

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-8236

RONALD ERIC MARSHALL,

Plaintiff - Appellant,

v.

M. MITCHELL; W. SMITH, individually and as Administrator Edgefield Federal Prison Camp; P. JUSTICE, Individually and as Correctional Case Manager Edgefield Federal Prison Camp; D. A. WATKINS, individually and as Correctional Counselor Edgefield Federal Prison Camp; MR. SERO, individually and as Regional Director BOP Southeast Region Atlanta Georgia; UNITED STATES OF AMERICA,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, Chief District Judge. (2:09-cv-01889-DCN)

Submitted: February 25, 2010

Decided: March 5, 2010

Before DUNCAN and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Ronald Eric Marshall, Appellant Pro Se. Beth Drake, Assistant United States Attorney, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ronald Eric Marshall appeals the district court's order denying relief on 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 relief be denied and advised Marshall 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, Marshall 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). Marshall 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