

UNPUBLISHEDUNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 10-1256

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ALISON LEVON BOYD,

Plaintiff - Appellant,

v.

ANNA MILLS WAGONER, IN HER OFFICIAL CAPACITY AND INDIVIDUAL CAPACITY AS UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA; RYAN COGGINS, In his individual and official capacity as an officer of the Greensboro Police Department; CHRISTOPHER COTTONARO, In his individual and official capacity as an officer of the Greensboro Police Department; LISA BLUE BOGGS, In her official capacity and individual capacity as Assistant U.S. Attorney; ERIC H. HOLDER, JR., In his official capacity and his individual capacity as U.S. Attorney General; THOMAS DAVID SCHROEDER, In his individual and official capacity as a U.S. Judge for the Middle District of North Carolina; WILLIAM STIMSON TRIVETTE, In his individual and official capacity as a practicing attorney; TIM R. BELLAMY, In his individual and official capacity as Chief of the Greensboro Police Department; N. CARLTON TILLEY, In his individual and official capacity as a U.S. Judge for the Middle District of North Carolina; WILLIAM L. OSTEEEN, JR., In his individual and official capacity as a U.S. Judge for the Middle District of North Carolina; JAMES A. BEATY, JR., In his individual and official capacity as a U.S. Judge for the Middle District of North Carolina; SHARP, In his individual and official capacity as a U.S. Judge for the Middle District of North Carolina; ELLISON, In his individual and official capacity as a U.S. Judge for the Middle District of North Carolina,

Defendants - Appellees.  

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Malcolm J. Howard, Senior District Judge. (1:09-cv-00930-MJH-WWD)

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Submitted: September 28, 2010 Decided: September 30, 2010

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Before WILKINSON, SHEDD, and DAVIS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Alison Levon Boyd, Appellant Pro Se. Gill Paul Beck, Sr., Assistant United States Attorney, Greensboro, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alison Levon Boyd appeals the district court's order adopting the magistrate judge's report and recommendation and dismissing his complaint as frivolous. 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 Boyd 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, Boyd 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). Boyd waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. We also deny Boyd's motions for appointment of counsel and return of property. 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