

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1356

JAY H. LEE, a/k/a Jay Hwan Lee, a/k/a Jung Hwan Lee, a/k/a Jay Lee; CHARLY J. LEE; JULIE R. LEE,

Plaintiffs - Appellants,

v.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) and Individuals and Households Program Officer; CINDY PREAST, Executive Director of Housing Authority of the City of Bluefield, 1600 Hill Avenue, Bluefield, WV 24701; HOUSING AUTHORITY OF THE CITY OF BLUEFIELD; GWENDOLYN DOWELL, Section 8 Coordinator, Housing Authority of City of Bluefield, 1600 Hill Avenue, Bluefield, WV 24701; MARK TAYLOR, President and Executive Director of West Virginia Association of Housing Agencies, 911 Michael Avenue, Charleston, WV 25312; WEST VIRGINIA ASSOCIATION OF HOUSING AGENCIES,

Defendants - Appellees.

No. 10-1426

JAY H. LEE, a/k/a Jay Hwan Lee, a/k/a Jung Hwan Lee, a/k/a Jay Lee; CHARLY J. LEE; JULIE R. LEE,

Plaintiffs - Appellants,

v.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) and Individuals and Households Program Officer; CINDY PREAST, Executive Director of Housing Authority of the City of Bluefield, 1600 Hill Avenue, Bluefield, WV 24701; HOUSING AUTHORITY OF THE CITY OF BLUEFIELD; GWENDOLYN DOWELL, Section 8 Coordinator, Housing Authority of City of Bluefield, 1600

Hill Avenue, Bluefield, WV 24701; MARK TAYLOR, President and Executive Director of West Virginia Association of Housing Agencies, 911 Michael Avenue, Charleston, WV 25312; WEST VIRGINIA ASSOCIATION OF HOUSING AGENCIES,

Defendants - Appellees.

Appeals from the United States District Court for the Southern District of West Virginia, at Bluefield. David A. Faber, Senior District Judge. (1:09-cv-00028; 1:09-cv-00210)

Submitted: November 23, 2010 Decided: December 28, 2010

Before MOTZ, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jay H. Lee, Charly J. Lee, Julie R. Lee, Appellants Pro Se. Kelly Rixner Curry, J. Christopher Krivonyak, Assistant United States Attorneys, Charleston, West Virginia; Kevin A. Nelson, HUDDLESTON & BOLEN, LLP, Charleston, West Virginia; Michelle Piziak, STEPTOE & JOHNSON, LLP, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jay H. Lee, Charly J. Lee, and Julie R. Lee (“Appellants”) appeal the district court’s order accepting the recommendation of the magistrate judge and denying relief on their civil complaint and outstanding motions alleging housing discrimination by federal, state, and local agencies and their respective employees.* The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2010). The magistrate judge recommended that relief be denied and advised Appellants that failure to file timely specific objections to this recommendation could waive appellate review of a district court order based upon the 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). Appellants have waived appellate review by failing to properly

* In appeal No. 10-1356, Appellants identify the order appealed from as dated March 8, 2010, and later reference an order dated March 11, 2010; however, we found no orders entered on those dates.

file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. We grant the Lees' motion for access to the restricted access document filed by them and deny their motions to seal and for mandamus.

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