

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6396

SAMUEL J. LEWIS,

Plaintiff - Appellant,

v.

WARDEN EAGLETON, Individual and official capacities; WARDEN CHAVIS, Associate Warden, Individual and official capacities; MS. WEATHERFORD, Individual and official capacities; MR. SPIRES, Individual and official capacities; LIEUTENANT HIPPIE, Individual and official capacities; MS. HAGE, Nurse Supervisor, Individual and official capacities; OFFICER CYPRESS; OFFICER MATTHEWS, Individual and official capacities; ECI MEDICAL STAFF, Individual and official capacities,

Defendants - Appellees,

and

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS,

Defendant.

Appeal from the United States District Court for the District of South Carolina, at Florence. G. Ross Anderson, Jr., Senior District Judge. (4:08-cv-02800-GRA)

Submitted: November 10, 2010

Decided: December 9, 2010

Before WILKINSON, DUNCAN, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Samuel J. Lewis, Appellant Pro Se. William Henry Davidson, II,
Lawrence S. Kerr, DAVIDSON & LINDEMANN, PA, Columbia, South
Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Samuel Jerome Lewis appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his 42 U.S.C. § 1983 (2006) complaint. Lewis also appeals the magistrate judge's denials of his motions to appoint counsel. We have reviewed the record and find no reversible error in the denial of the motions to appoint counsel. Accordingly, we affirm those orders. Lewis v. Eagleton, No. 4:08-cv-02800-GRA (D.S.C. Feb. 20, 2009; Mar. 9, 2009).

Turning to the district court's order denying § 1983 relief, the 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 Lewis that failure to file timely and 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). Lewis has waived appellate review by failing to 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