

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-1036**

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ANTHONY LEE MCNAIR,

Plaintiff - Appellant,

v.

ROCKY MOUNT POLICE DEPARTMENT,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at New Bern. Louise W. Flanagan, Chief District Judge. (5:10-cv-00544-FL)

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Submitted: February 28, 2011

Decided: March 9, 2011

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Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Anthony Lee McNair, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Anthony Lee McNair appeals the district court's order dismissing his 42 U.S.C. § 1983 (2006) civil rights action. 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 McNair 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, 155 (1985). McNair 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