UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 11-1953

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JUDY SMITH,

                Plaintiff – Appellant,

      v.

DEPARTMENT OF VETERANS AFFAIRS; JAMES B. PEAKE, Secretary
of Affairs; ERIC K. SHINSEKI,

            Defendants - Appellees.

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Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. Catherine C. Eagles,
District Judge. (1:08-cv-00272-CCE-WWD)

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Submitted: January 26, 2012   Decided: February 14, 2012

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

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Affirmed by unpublished per curiam opinion.

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Judy Smith, Appellant Pro Se. Joan Brodish Binkley, Assistant
United States Attorney, Greensboro, North Carolina, for
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Judy Smith appeals the district court's order accepting the report of the magistrate judge and granting summary judgment to the Defendant in this employment discrimination 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. 2011). The magistrate judge recommended that relief be denied and advised Smith that failure to file timely 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). Smith has waived appellate review by failing to timely file 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