

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6090

JAMES H. MCBRIDE,

Plaintiff - Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Chief District Judge. (3:09-cv-00716-JRS)

Submitted: March 31, 2011

Decided: April 6, 2011

Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James H. McBride, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James H. McBride appeals the district court's order denying his motion to appoint McBride new counsel in a criminal case pending in state court. The district court abstained from deciding the case, pursuant to Younger v. Harris, 401 U.S. 37 (1971).^{*} The Younger doctrine "permits federal courts to refrain from hearing cases that would interfere with a pending state criminal proceeding." Martin v. Stewart, 499 F.3d 360, 363 (4th Cir. 2007). We review for abuse of discretion a district court's decision to abstain under Younger, Laurel Sand & Gravel, Inc. v. Wilson, 519 F.3d 156, 161 (4th Cir. 2008), and find no abuse of discretion here. Accordingly, we affirm the decision 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

^{*} Although McBride did not file timely objections to the magistrate judge's report and recommendation, he did pursue the alternate option suggested by the magistrate judge of filing an amended complaint. Thus, McBride's failure to file objections did not result in a waiver of his right to appellate review. cf. United States v. Midgette, 478 F.3d 616, 621-22 (4th Cir. 2007) (holding a party waives appellate review by failing to file timely and specific objections to a magistrate judge's report).