

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 11-6166**

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GARY WAITERS,

Plaintiff - Appellant,

v.

DR. CROSS; MR. BENJAMIN; MRS. SPIKE; MR. MARSHALL; MR.  
QUMBLEY, official and individual capacities,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Columbia. J. Michelle Childs, District  
Judge. (3:09-cv-02686-JMC)

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Submitted: May 19, 2011

Decided: May 24, 2011

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Before TRAXLER, Chief Judge, and AGEE and KEENAN, Circuit  
Judges.

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Affirmed by unpublished per curiam opinion.

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Gary Waiters, Appellant Pro Se. Marshall Hodges Waldron, Jr.,  
GRIFFITH & SADLER, PA, Beaufort, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gary Waiters appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2006) complaint. 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 Waiters that failure to timely file 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). Waiters has waived appellate review by failing to timely 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