

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6215

MALCOLM MUHAMMAD,

Plaintiff - Appellant,

v.

GENE M. JOHNSON, Director of Virginia Department of Corrections; BRYANT WATSON, Warden, Wallens Ridge State Prison; A. P. HARVEY, Assistant Warden, Wallens Ridge State Prison; MAJOR COMBS, Major of Security at Wallens Ridge State Prison; LIEUTENANT COLLINS, Lieutenant at Wallens Ridge State Prison; SERGEANT COCHRANE, Sergeant at Wallens Ridge State Prison; SERGEANT GREER, Sergeant at Wallens Ridge State Prison; CORRECTIONAL OFFICER CHEEKS, Correctional Officer; CORRECTIONAL OFFICER FUSION, Correctional Officer; INVESTIGATOR MCBRIDE, Investigator; B. YOUNG, Sergeant,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, District Judge. (7:10-cv-00395-sgw-mfu)

Submitted: June 30, 2011

Decided: July 6, 2011

Before WILKINSON, DUNCAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Malcolm Muhammad, Appellant Pro Se. Richard Carson Vorhis,
Senior Assistant Attorney General, Richmond, Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Malcolm Muhammad appeals the district court's order denying his motion for a preliminary injunction in his 42 U.S.C. § 1983 (2006) 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 Muhammad 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). Muhammad has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

We deny Muhammad's motions to appoint counsel, for injunctive relief, and to amend. 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