

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 12-1708**

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JOSEPH E. MACON, a/k/a Joe E. Macon,  
Plaintiff - Appellant,

v.

GEICO INSURANCE; SCDMV,  
Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. Timothy M. Cain, District Judge.  
(8:11-cv-00007-TMC)

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Submitted: July 19, 2012

Decided: July 23, 2012

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Before DUNCAN, AGEE, and WYNN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Joseph E. Macon, Appellant Pro Se. David L. Moore, Jr., NEXSEN  
PRUET, Greenville, South Carolina; Russell W. Harter, Jr.,  
CHAPMAN, HARTER & GROVES, PA, Greenville, South Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph E. Macon seeks to appeal the district court's order dismissing his civil action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2012). The magistrate judge recommended that the action be dismissed and advised Macon 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). Macon 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