

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-1891

PHILLIP ANDREW BRIDGES,

Plaintiff - Appellant,

v.

SIMPSONVILLE POLICE DEPARTMENT AGENCY; JIMMY DALE LOGAN;
BLAINE HUDSON; AARON EDWARDS, Individually and in their
Official Capacities,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. G. Ross Anderson, Jr., Senior
District Judge. (6:12-cv-01198-GRA)

Submitted: December 13, 2012

Decided: January 2, 2013

Before DAVIS, KEENAN, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Phillip Andrew Bridges, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM

Phillip Andrew Bridges appeals the district court's order denying his motion for an extension of time to file objections to the magistrate judge's report and recommendation; the court's order adopting the recommendation of the magistrate judge, dismissing without prejudice Bridges' 42 U.S.C. § 1983 (2006) complaint, and denying the motion to appoint counsel; and the court's order denying reconsideration.¹ We affirm.

With regard to the order denying an extension of time to object to the magistrate judge's report and recommendation, we have reviewed the record and find no abuse of discretion. See Carefirst of Md., Inc. v. Carefirst Pregnancy Ctrs., Inc., 334 F.3d 390, 396 (4th Cir. 2003) (stating standard of review). Accordingly, we affirm the court's order.

Turning to the order adopting the magistrate judge's report and denying the appointment of counsel, the district court referred this case to a magistrate judge pursuant to 28

¹ Although the district court should have construed the motion as one filed pursuant to Fed. R. Civ. P. 60, we conclude that the district court did not abuse its discretion in denying relief and affirm the court's order. See Heyman v. M.L. Mktg. Co., 116 F.3d 91, 94 (4th Cir. 1997) (stating standard of review); CNF Constructors, Inc. v. Donohoe Constr. Co., 57 F.3d 395, 401 (4th Cir. 1995) (finding that where, as here, motion sought reconsideration of legal issue already addressed in earlier ruling, motion was not authorized by Rule 60(b) and rejection of motion was not abuse of discretion).

U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2012). The magistrate judge recommended that Bridges' § 1983 complaint be dismissed without prejudice and advised Bridges that failure to timely file specific written objections to this recommendation would 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). Bridges has waived appellate review by failing to file objections after receiving fair notice.

Accordingly, we affirm the district court's judgment.² We deny Bridges' request for the appointment of counsel and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

² To the extent Bridges raises new claims for the first time on appeal, we decline to address them. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993).