

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-2132

ADRIENNE SEWELL,

Plaintiff - Appellant,

v.

WELLS FARGO BANK N.A.; WELLS FARGO & COMPANY,

Defendants - Appellees.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, District Judge; Robert S. Ballou, Magistrate Judge. (7:11-cv-00124-SGW-RSB)

Submitted: March 21, 2013

Decided: March 27, 2013

Before WILKINSON, SHEDD, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Steven D. Smith, SD SMITH, ESQUIRE, PLLC, Blacksburg, Virginia, for Appellant. Dana L. Rust, Summer L. Speight, MCGUIREWOODS, LLP, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Adrienne Sewell seeks to appeal the magistrate judge's discovery order denying her motion to compel the production of documents and her motion for discovery sanctions in her civil suit against Wells Fargo Bank. The district court referred the nondispositive discovery motions to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(A) (West 2006 & Supp. 2012).

The timely filing of specific objections to a magistrate judge's nondispositive order is necessary to preserve appellate review of that order. 28 U.S.C.A. § 636(b)(1); Fed. R. Civ. P. 72(a); see Wells v. Shriners Hosp., 109 F.3d 198, 199, 201 (4th Cir. 1997) (recognizing that failure to file objections to magistrate judge's recommendation amounts to waiver of appellate review); see also Cont'l Cas. Co. v. Dominick D'Andrea, Inc., 150 F.3d 245, 252 (3d Cir. 1998).

Sewell failed to file objections to the magistrate judge's order or otherwise challenge the rulings in the district court; thus, she has waived appellate review of that order. The magistrate judge's failure to warn Sewell of the consequence of not filing objections did not relieve Sewell of her duty to file timely objections. See Wells, 109 F.3d at 199-200 (stating that magistrate judge is not required to warn counsel of consequence of failure to object).

Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal. We 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.

DISMISSED