

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-6562

LEROY ALVIN MCKENZIE,

Plaintiff - Appellant,

v.

LIEUTENANT RAINES, SCDC; OFFICER VON MUITIS, SCDC; OFFICER
SEALY, SCDC; LIEUTENANT MCGHEE, SCDC; OFFICER WANDA YOUNG,
individually and in their official capacities; HONORABLE
WILLIAM ROBERT BYARS, JR., Director SCDC,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. Timothy M. Cain, District Judge.
(6:11-cv-00559-TMC)

Submitted: October 11, 2012

Decided: October 15, 2012

Before KING, DUNCAN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Leroy Alvin McKenzie, Appellant Pro Se. Alissa Robyn Collins,
James Albert Stuckey, Jr., STUCKEY LAW OFFICES, PA, Charleston,
South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leroy Alvin McKenzie appeals the district court's orders adopting the recommendations of the magistrate judge and denying his motions under Fed. R. Civ. P. 56(f) and for a declaratory judgment and granting summary judgment to Defendants on his claims under the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12131-65 (2006), and the Rehabilitation Act ("RA"), 29 U.S.C. § 794(a) (2006), and the court's subsequent order denying his Fed. R. Civ. P. 59(e) motion to alter or amend judgment. We affirm.

On appeal, we confine our review to the issues raised in the appellant's brief. See 4th Cir. R. 34(b). Because McKenzie's informal brief does not challenge the district court's denial of his motion seeking a declaratory judgment, McKenzie has forfeited appellate review of that ruling.

With respect to the district court's ruling adopting the recommendation of the magistrate judge and denying McKenzie's Rule 56(f) motion and its order adopting the recommendation of the magistrate judge and granting summary judgment to Defendants on his claims under the ADA and the RA, 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. Diamond v.

Colonial Life & Accident Ins. Co., 416 F.3d 310, 315-16 (4th Cir. 2005); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). McKenzie has waived appellate review of that ruling and order by failing to file specific objections after receiving proper notice.*

We further find no abuse of discretion in the district court's denial of McKenzie's Rule 59(e) motion to alter or amend judgment, Robinson v. Wix Filtration Corp., 599 F.3d 403, 407 (4th Cir. 2010) (stating standard of review), because McKenzie did not rely on a change in controlling law, present new evidence, or identify a clear error of law. See Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403 (4th Cir. 1998) (listing the three circumstances under which Rule 59(e) relief may be granted).

Accordingly, we affirm the district court's orders. 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

* McKenzie did raise a specific objection to the magistrate judge's jurisdiction over his case, but he does not press this issue on appeal.