

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7027

STEVEN LESTER,

Plaintiff - Appellant,

v.

PERRY CORRECTIONAL INSTITUTION; OFFICER FISH; OFFICER
ALWREN; CPT RANDAL,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Timothy M. Cain, District Judge.
(4:12-cv-00971-TMC)

Submitted: September 27, 2012

Decided: October 2, 2012

Before MOTZ, DAVIS, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Steven Lester, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steven Lester appeals the district court's order denying relief without prejudice on his 42 U.S.C. § 1983 (2006) complaint. 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 relief be denied and advised Lester that failure to file specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. The district court adopted the magistrate judge's 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). Lester has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

* Although it adopted the magistrate judge's report, the district court elected to dismiss the action without prejudice rather than with prejudice as the magistrate judge had recommended.

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