

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7247

MARCUS GRIFFIN,

Plaintiff - Appellant,

v.

ANGIE GRAVES, IGC official capacity; ANNIE MAE SELLERS,
official capacity; LIEUTENANT JAMES MARTIN, official
capacity; MS. PAMELA MCDOWELL, official capacity,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Cameron McGowan Currie, District
Judge. (4:12-cv-01163-CMC)

Submitted: October 11, 2012

Decided: October 16, 2012

Before KING, DUNCAN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Marcus Griffin, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marcus Griffin seeks to appeal the district court's order accepting the recommendation of the magistrate judge and summarily dismissing his 42 U.S.C. § 1983 (2006) action. 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 summarily dismissing Griffin's action and advised Griffin that failure to file timely objections to the recommendation could waive appellate review of a district court order based upon the recommendation.

The timely filing of objections to a magistrate judge's recommendation is necessary to preserve appellate review of the substance of that recommendation. United States v. Midgette, 478 F.3d 616, 621-22 (4th Cir. 2007); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140, 155 (1985). Because Griffin received notice of the consequences of a failure to object to the magistrate judge's report and yet failed to do so, he has waived appellate review.

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