

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-8102

ERIC ANDREW RIEB,

Plaintiff - Appellant,

v.

WARDEN ROBERT M. STEVENSON, III; LT. EDWARD HAMBRICK;
CAPTAIN PERCY JONES,

Defendants - Appellees,

and

BROAD RIVER CORR INST PROPERTY CONTROL,

Defendant.

Appeal from the United States District Court for the District of
South Carolina, at Aiken. Richard Mark Gergel, District Judge.
(1:11-cv-00425-RMG)

Submitted: March 26, 2013

Decided: March 28, 2013

Before DUNCAN, FLOYD, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Eric Andrew Rieb, Appellant Pro Se. Erin Mary Farrell, MCKAY,
CAUTHEN, SETTANA & STUBLEY, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM

Eric Rieb 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; and the court's order adopting the recommendation of the magistrate judge, granting summary judgment to the Defendants on Rieb's 42 U.S.C. § 1983 (2006) action. 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, 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 summary judgment be granted to the Defendants on Rieb's § 1983 action and advised Rieb 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). Rieb has waived appellate review by failing to timely file objections after receiving fair notice.

Accordingly, we affirm the district court's judgment. 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.

AFFIRMED