

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-1133

ANTHONY HOLMES,

Plaintiff - Appellant,

v.

BURRIS LIQUOR STORE, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:12-cv-01866-DCN-BHH)

Submitted: May 22, 2014

Decided: May 28, 2014

Before HAMILTON and DAVIS, Senior Circuit Judges.*

Affirmed by unpublished per curiam opinion.

Anthony Holmes, Appellant Pro Se. Joshua Drew Cagle, Caroline Wrenn Cleveland, Bob J. Conley, CLEVELAND & CONLEY, LLC, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

* The opinion is filed by a quorum pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Anthony Holmes seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief of Holmes' complaint filed pursuant to Title VII of the Civil Right Act of 1964. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012). The magistrate judge recommended granting Defendant's motion for summary judgment and advised Holmes 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 Holmes 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 this court and argument would not aid the decisional process.

AFFIRMED