

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-1887**

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SIDNEY B. HARR,

Plaintiff - Appellant,

v.

STATE OF NORTH CAROLINA; U.S. DISTRICT JUDGE THOMAS D.  
SCHROEDER; RICHARD H. BRODHEAD; DAVID F. LEVI; DUKE  
UNIVERSITY,

Defendants - Appellees

and

MAGISTRATE P. TREVOR SHARP,

Defendant.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Greensboro. Catherine C. Eagles,  
District Judge. (1:13-cv-00673-CCE-JLW)

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Submitted: December 18, 2014

Decided: December 22, 2014

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Before SHEDD, WYNN, and THACKER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Sidney B. Harr, Appellant Pro Se. Roy Cooper, Attorney General,  
Kathryn Hicks Shields, Assistant Attorney General, Raleigh,  
North Carolina; Joseph W. H. Mott, OFFICE OF THE UNITED STATES  
ATTORNEY, Roanoke, Virginia; Christopher W. Jackson, Dixie

Thomas Wells, ELLIS & WINTERS, LLP, Greensboro, North Carolina,  
for Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sidney B. Harr appeals the district court's orders granting Defendants' motions to dismiss his 42 U.S.C. § 1983 (2012) complaint against them, and denying his subsequently filed motion to rescind. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b) (2012). The magistrate judge recommended that Defendants' motions to dismiss be granted and advised Harr 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 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). Harr waived appellate review by failing to file objections after receiving proper notice. In addition, we agree with the district court that Harr's motion to rescind was meritless. 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 this court and argument would not aid the decisional process.

AFFIRMED