

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7231

NARSEAL BATISTE,

Plaintiff - Appellant,

v.

FEDERAL BUREAU OF PRISONS, et. al.; JOEL ZIEGLER, Warden,
FCI Beckley, officially and in his individual capacity; DR.
DOMINICK MCLAIN, D.O. Clinical Director, officially and in
his individual capacity; KEVIN THOMPSON, Health Services
Administrator, officially and in his individual capacity;
JOHN AND JANE DOES A - Z, also in their official and
individual capacities,

Defendants - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Beckley. Irene C. Berger,
District Judge. (5:13-cv-13565)

Submitted: December 18, 2014 Decided: December 23, 2014

Before SHEDD, WYNN, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Narseal Batiste, Appellant Pro Se. Stephen Michael Horn,
Assistant United States Attorney, Charleston, West Virginia, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Narseal Batiste seeks to appeal the district court's order denying his motion for a temporary restraining order and a preliminary injunction, and dismissing his complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). 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 that relief be denied and advised Batiste that failure to file timely objections to this 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. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Batiste has waived appellate review by failing to timely file objections after receiving proper notice.

Batiste also seeks to appeal the district court's order denying his motion to submit untimely objections to the magistrate judge's report and recommendation. With respect to this order, we have independently reviewed the record and find no reversible error. Accordingly, we affirm for the reasons

stated by the district court. Batiste v. Fed. Bureau of Prisons, No. 5:13-cv-13565 (S.D.W. Va. July 21, 2014, Aug. 7, 2014). 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