

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7591

PATRICK GUESS,

Plaintiff - Appellant,

and

TONY SPEARMAN; JESSE FREDERICK; WILLIE MONTGOMERY; WILLIAM
JOHNSON,

Plaintiffs,

v.

JOHN MCGILL, Director of SCDMH; HOLLY SCATURO, Director of
SVPTP; ROBERT STEVENSON, III, Warden of BRCI; WILLIAM BYARS,
Director of SCDOC; SCDOC CHAPLIN SERVICES,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. Terry L. Wooten, Chief District
Judge. (9:13-cv-02260-TLW)

Submitted: January 15, 2015

Decided: January 21, 2015

Before WILKINSON and NIEMEYER, Circuit Judges, and DAVIS, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Patrick Guess, Appellant Pro Se. Andrew Lindemann, DAVIDSON &
LINDEMANN, PA, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patrick Guess appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2012) action. 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 the action be dismissed and advised Guess 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). Guess has forfeited appellate review by failing to file objections after receiving proper notice. 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

* We also grant Guess leave to proceed in forma pauperis and deny Appellee's motion to dismiss and Guess' motion for appointment of counsel.

before this court and argument would not aid the decisional process.

AFFIRMED