UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 15-1754

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WALTER COLUMBUS SIMMONS,

             Plaintiff - Appellant,

     v.

LT. RANDY SHELTON; NURSE MARILYN; NURSE APRIL; NURSE
JESSICA,

             Defendants - Appellees.

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Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. William L. Osteen,
Jr., Chief District Judge. (1:13-cv-00566-WO-JLW)

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Submitted: October 15, 2015   Decided: October 19, 2015

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Before WILKINSON, AGEE, and HARRIS, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Walter Columbus Simmons, Appellant Pro Se.   Camilla Frances
DeBoard, Kenneth Bruce Rotenstreich, TEAGUE, ROTENSTREICH,
STANALAND, FOX & HOLT, P.L.L.C., Greensboro, North Carolina;
Thomas John Ludlam, NEXSEN PRUET, Raleigh, North Carolina, for
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Walter Columbus Simmons seeks to appeal the district court's order dismissing his 42 U.S.C. § 1983 (2012) action for failure to state a claim. 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 Simmons 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). Simmons has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal.

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.

DISMISSED

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