UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6807

LARRY JAMES TYLER,

Plaintiff - Appellant,

v.

CAPTAIN COE; WAYNE BYRD; DIANN WILKS,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Beaufort. Mary G. Lewis, District Judge. (9:16-cv-00122-MGL)

Submitted: November 22, 2016 Decided: November 28, 2016

Before DIAZ and THACKER, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Larry James Tyler, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry James Tyler appeals the district court's order dismissing his 42 U.S.C. § 1983 (2012) complaint. 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 Tyler's action be dismissed because he failed to comply with the court's February 24, 2016, order instructing him that he had 21 days to fill out certain forms and provide information to the court needed to proceed with his action. The magistrate judge's order advised Tyler 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). Tyler has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

We deny Tyler's motion for appointment of counsel and 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