

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7105

JESSIE FREDERICK,

Plaintiff - Appellant,

v.

JOHN MAGILL, Director, S.C.D.M.H., in his individual and official capacity; HOLLY SCATURO, Director - S.V.P.T.P, in her individual and official capacity; KIMBERLY POHOLCHUK, Program Coor. S.V.P.T.P., in her individual and official capacity; WARDEN STEVENSON, Warden, BRCI, in his individual and official capacity,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Henry M. Herlong, Jr., Senior District Judge. (0:15-cv-03399-HMH)

Submitted: November 17, 2016 Decided: November 22, 2016

Before GREGORY, Chief Judge, and MOTZ and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jessie Frederick, Appellant Pro Se. William Henry Davidson, II, David Allan DeMasters, DAVIDSON & LINDEMANN, PA, Columbia, South Carolina; Eugene Matthews, RICHARDSON PLOWDEN, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jessie Frederick seeks to appeal 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 relief be denied and advised Frederick that the 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). Frederick has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we 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