

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 18-1132**

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JERRY WAYNE BOYD,

Plaintiff - Appellant,

v.

ISLAND CREEK COAL COMPANY; CNX GAS COMPANY, LLC; DONALD  
ALLEN MCGLOTHLIN, JR.,

Defendants - Appellees.

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Appeal from the United States District Court for the Southern District of West Virginia,  
at Beckley. Irene C. Berger, District Judge. (5:17-cv-04287)

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Submitted: May 17, 2018

Decided: May 18, 2018

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Before KING and AGEE, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Jerry Wayne Boyd, Appellant Pro Se. Lena Lockridge Busscher, MCGUIREWOODS,  
LLP, Richmond, Virginia, for Appellees Consol Island Creek Coal and CNX Gas  
Company, LLC.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerry Wayne Boyd seeks to appeal the district court's order denying relief on his civil complaint and denying his motion for reconsideration. 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 Boyd that failure to file specific, 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). Boyd 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*