

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1339

STACEY CLARICE BROMLEY KELLY,

Plaintiff - Appellant,

v.

NANCY A. BERRYHILL,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. Robert E. Payne, Senior District Judge. (3:16-cv-00990-REP)

Submitted: June 21, 2018

Decided: June 25, 2018

Before DIAZ and HARRIS, Circuit Judges, and SHEDD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Stacey Clarice Bromley Kelly, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

After the Commissioner of Social Security denied Stacey Kelly's application for supplemental security income, Kelly sought judicial review in the district court. The district court referred the matter to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012). The magistrate judge recommended granting the Defendant's motion for summary judgment and advised Kelly that failure to file timely objections to the recommendation could result in waiver of appellate review of a district court order based on the recommendation. Despite this warning, Kelly filed no objections. The district court adopted the recommendation, granted the Defendant's motion for summary judgment, and upheld the denial of benefits. Kelly appeals.

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, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). Kelly has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we grant leave to proceed in forma pauperis and affirm the judgment of the district court.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED