

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 18-1546

SAMUEL LEROY SMITH,

Plaintiff - Appellant,

v.

AIKEN COUNTY GOVERNMENT; CLAY KILLIAN, County Administrator;
COUNTY COUNCIL; NATIONWIDE MUTUAL INSURANCE COMPANY,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Aiken.
Henry M. Herlong, Jr., Senior District Judge. (1:18-cv-00779-HMH)

Submitted: September 18, 2018

Decided: September 20, 2018

Before WILKINSON and THACKER, Circuit Judges, and TRAXLER, Senior Circuit
Judge.

Affirmed by unpublished per curiam opinion.

Samuel Leroy Smith, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Samuel Leroy Smith filed a personal injury action and 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 dismissing the action for lack of subject matter jurisdiction and advised Smith that failure to file timely, specific objections to the recommendation could result in waiver of appellate review of a district court order based on the recommendation. Despite this warning, Smith failed to file specific objections. The district court adopted the recommendation and dismissed Smith's complaint for lack of jurisdiction. Smith 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 (1985). Smith has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we 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 this court and argument would not aid the decisional process.

AFFIRMED