

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-1547

SAMUEL LEROY SMITH; SARAH ANN PHILLIPS SMITH,

Plaintiffs - Appellants,

v.

KENNETH S. NUGENT, P.C.,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Aiken.
Henry M. Herlong, Jr., Senior District Judge. (1:17-cv-01818-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Affirmed by unpublished per curiam opinion.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 L. Smith, Sarah A. Smith, Appellants Pro Se. Gary James Toman, WEINBERG,
WHEELER, HUDGINS, GUNN & DIAL, LLC, Atlanta, Georgia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Samuel L. Smith and Sarah A. Smith filed a civil action against Kenneth S. Nugent, P.C., asserting breach of a contract of representation. 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 the Smiths 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, the Smiths failed to file specific objections. The district court adopted the recommendation and granted the Defendant's motion for summary judgment. The Smiths appeal.

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). The Smiths have 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