

**UNPUBLISHED**

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

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**No. 18-7342**

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JAMES BENJAMIN PUCKETT,

Petitioner - Appellant,

v.

HECTOR JOYNER, Warden, Federal Correctional Institution Estill, South  
Carolina,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Aiken.  
David C. Norton, District Judge. (1:18-cv-02404-DCN)

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Submitted: April 4, 2019

Decided: April 9, 2019

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

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Affirmed by unpublished per curiam opinion.

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James Benjamin Puckett, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Benjamin Puckett, a federal prisoner, appeals the district court's order dismissing without prejudice on his 28 U.S.C. § 2241 (2012) petition.\* 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 dismissing the petition without prejudice for lack of jurisdiction and advised Puckett that failure to file timely, specific objections to the 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. *Massey v. Ojaniit*, 759 F.3d 343, 352 (4th Cir. 2014); *see Thomas v. Arn*, 474 U.S. 140, 155 (1985). Puckett has waived appellate review by failing to file objections. 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 this court and argument would not aid the decisional process.

*AFFIRMED*

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\* The district court's order is final and appealable as no amendment could cure the defect identified in Puckett's petition. *See Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 623-24 (4th Cir. 2015)