

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-6816

TIMOTHY S. WISE,

Plaintiff - Appellant,

v.

C. MARUKA, Warden; R. MALONE, Counselor, Unit B-4; D. PILANT, Unit Manager, B-Unit; F. SAUNDERS, Special Housing Unit Lieutenant; W. KENDRICK, Correctional Officer; A. SHRADER, Inmate Trust Services Supervisor; S. WYATT, Nurse; G. WALTERS, Nurse; C. CAROTHERS, Physician Assistant; K. THOMPSON, Health Services Administrator; S. COOK, Correctional Officer; D. RICH, Associate Warden; V. PHILLIPS, Counselor; R. ALEXANDER, Nurse; D. MUNN, Captain; J. GREEN, Mailroom Supervisor; C. HORTON, SIS Lieutenant; K. MARSH, Human Resources; JOHN DOE #1, Correctional Officer; JOHN DOE #2, Correctional Officer; JOHN DOE #3, Supervisor of Dental,

Defendants - Appellees.

Appeal from the United States District Court for the Southern District of West Virginia, at Bluefield. David A. Faber, Senior District Judge. (1:20-cv-00056)

Submitted: December 30, 2022

Decided: February 3, 2023

Before QUATTLEBAUM and RICHARDSON, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Samuel Weiss, RIGHTS BEHIND BARS, Washington, D.C.; David M. Zions, David J. Cho, COVINGTON & BURLING LLP, Washington, D.C., for Appellant. Lisa G. Johnston, Acting United States Attorney, Matthew C. Lindsay, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Timothy S. Wise appeals the district court's order dismissing his complaint filed pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971). The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended that the complaint be dismissed with prejudice and advised Wise that failure to file timely and specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Wise failed to file specific objections to the substantive portions of the magistrate judge's 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). Flanigan has waived appellate review by failing to file specific 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 the court and argument would not aid the decisional process.

AFFIRMED