

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6825

RICARDO FISHBURNE,

Plaintiff - Appellant,

v.

S. C. DEPARTMENT OF CORRECTIONS; A/W ANNE SHEPPARD; BRIAN
KENDELL, Warden; A/W CLARK; DIRECTOR BRIAN STIRLING; SERGEANT
HOWARD; CLASSIFICATION RAVENEL; SLED,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at
Anderson. Timothy M. Cain, District Judge. (8:21-cv-03542-TMC-JDA)

Submitted: October 26, 2022

Decided: November 3, 2022

Before KING and HARRIS, Circuit Judges, and KEENAN, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Ricardo Fishburne, Appellant Pro Se. Andrew Lindemann, LINDEMANN & DAVIS,
P.A., Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ricardo Fishburne appeals the district court's order denying relief on his motion for a preliminary injunction filed as part of his ongoing 42 U.S.C. § 1983 action. 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 Fishburne's motion be denied and advised Fishburne that failure to file timely, specific objections to this 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. *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017); *Wright v. Collins*, 766 F.2d 841, 846-47 (4th Cir. 1985); *see also Thomas v. Arn*, 474 U.S. 140, 154-55 (1985). Fishburne received proper notice of these requirements, but he has waived appellate review because the objections were not specific to the particularized legal recommendations made by the magistrate judge. *See Martin*, 858 F.3d at 245 (holding that, "to preserve for appeal an issue in a magistrate judge's report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection" (internal quotation marks omitted)). Accordingly, we affirm the district court's order.

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