

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2476

JAMES MILTON DEVONE, SR.,

Plaintiff - Appellant,

v.

NATIONAL CASUALTY CO., INC., a/k/a Scottsdale Insurance Co.,

Defendant - Appellee.

Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. James A. Beaty, Jr.,
District Judge. (1:12-cv-00680-JAB-LPA)

Submitted: March 27, 2014

Decided: March 31, 2014

Before MOTZ, Circuit Judge, and HAMILTON and DAVIS, Senior
Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Milton DeVone, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Milton DeVone, Sr., seeks to appeal the district court's order dismissing his civil complaint. 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 that the complaint be dismissed for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) (2012), and that failure to file timely and 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. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). DeVone has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we deny leave to proceed in forma pauperis and dismiss the appeal.

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.

DISMISSED