

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7689

STEVE LESTER,

Plaintiff - Appellant,

v.

MICHAEL HENTHORNE OF LITTLER MENDELSON PC,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Timothy M. Cain, District Judge. (3:14-cv-03625-TMC)

Submitted: February 12, 2015

Decided: February 19, 2015

Before MOTZ, WYNN, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Steve Lester, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Steve Lester appeals the district court's order dismissing his 42 U.S.C. § 1983 (2012) complaint without prejudice.* 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 action be dismissed and advised Lester that failure to timely file 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). Lester has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we grant Lester's pending motion to amend his informal brief and affirm the judgment of the district court.

* We conclude that the district court's order is final and appealable as no amendment could cure the defect identified by the district court. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993).

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