

FILED: November 4, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-1248
(2:16-cv-03969-BHH)

CYNTHIA HOLMES

Plaintiff - Appellant

v.

GRANUAILE, LLC; JAMES P. WALSH, Individually and as related to Granuaile
LLC; L. WALSH, Individually and as related to Granuaile LLC

Defendants - Appellees

ORDER

The court denies the petition for rehearing.

Entered at the direction of the panel: Judge Niemeyer, Judge Keenan, and
Senior Judge Hamilton.

For the Court

/s/ Patricia S. Connor, Clerk

UNPUBLISHED**UNITED STATES COURT OF APPEALS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

No. 19-1248

CYNTHIA HOLMES,**Plaintiff - Appellant,****v.****GRANUAILE, LLC; JAMES P. WALSH, individually and as related to Granuaile LLC; L. WALSH, individually and as related to Granuaile LLC,****Defendants - Appellees.**

Appeal from the United States District Court for the District of South Carolina, at Charleston. Bruce H. Hendricks, District Judge. (2:16-cv-03969-BHH)

Submitted: September 26, 2019**Decided: September 30, 2019**

Before NIEMEYER and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Cynthia C. Holmes, Appellant Pro Se. Joseph Calhoun Watson, ROBINSON GRAY STEPP & LAFITTE LLC, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cynthia Holmes appeals the district court's order accepting the recommendation of the magistrate judge and dismissing Holmes's civil complaint alleging state law claims related to the construction of a driveway adjacent to her residential property. 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 relief be denied and advised Holmes that failure to file timely 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. *United States v. Midgette*, 478 F.3d 616, 621-22 (4th Cir. 2007); *see also Thomas v. Arn*, 474 U.S. 140, 154-55 (1985). Although Holmes filed objections to the magistrate judge's recommendation, she has waived appellate review because the objections were untimely. 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 this court and argument would not aid the decisional process.

AFFIRMED