

UNPUBLISHED

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

No. 17-6343

MICHAEL ALEXANDER RIVERA,

Plaintiff - Appellant,

v.

**INFERIOR COURT OF CALIFORNIA, County of Los Angeles, Alhambra
Courthouse et al,**

Defendant - Appellee.

Appeal from the United States District Court for the Southern District of West Virginia,
at Charleston. John T. Copenhaver, Jr., District Judge. (2:16-cv-09546)

Submitted: August 29, 2017

Decided: September 22, 2017

Before SHEDD, DIAZ, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael Alexander Rivera, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Alexander Rivera appeals the district court's order dismissing his 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 district court dismiss Rivera's complaint for lack of subject matter jurisdiction and advised Rivera 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. *Wright v. Collins*, 766 F.2d 841, 845–46 (4th Cir. 1985); *see also Thomas v. Arn*, 474 U.S. 140 (1985). Rivera failed to file objections after receiving proper notice.* Accordingly, we affirm the district court's order and deny Rivera's motions for transcript at government expense and for appointment of a process server. 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

* Although Rivera submitted two filings within the designated time period, none of the pleadings challenged the basis for the magistrate judge's recommendation. *See United States v. Midgett*, 478 F.3d 616, 622 (4th Cir. 2007) (“[T]o 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.”).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

MICHAEL ALEXANDER RIVERA,

Plaintiff,

v.

Civil Action No. 2:16-9546

INFERIOR COURT OF CALIFORNIA,
County of Los Angeles, Alhambra
Courthouse, et al.,

Defendants.

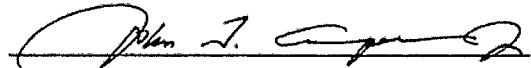
ORDER

The court having found by Order dated April 13, 2017 that it lacks jurisdiction in the above-captioned case, the case having been dismissed and closed, and the case now being on appeal to the United States Court of Appeals for the Fourth Circuit, it is ORDERED that the materials entitled "Re (Schedule A)" and received by the magistrate judge on June 22, 2017, including all attachments, be, and they hereby are, filed, with no further action being taken as to such materials.

It is FURTHER ORDERED that the letter-form motions entitled "Disssmal Documentation" and "Motion to Amend/Re-Open the Record Pursuant Rule 64(B)" and filed on May 30, 2017 (ECF Nos. 30 and 31), be, and they hereby are, denied.

The Clerk is directed to forward copies of this order
to all counsel of record and any unrepresented parties.

DATED: June 27, 2017



John T. Copenhaver, Jr.
United States District Judge