

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 20-13114
Non-Argument Calendar

D.C. Docket No. 0:19-cv-60108-RAR

ANDREW THOMPSON,

Plaintiff - Appellant,

versus

BRANCH BANKING & TRUST COMPANY,

Defendant - Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(September 22, 2021)

Before WILLIAM PRYOR, Chief Judge, WILSON and ROSENBAUM, Circuit
Judges.

PER CURIAM:

Andrew Thompson appeals *pro se* the summary judgment against his second amended complaint that Branch Banking & Trust Company violated the Telecommunications Consumer Protection Act of 1991. *See* 47 U.S.C. § 227. Thompson also challenges the award of attorneys' fees to Branch Banking, but we earlier dismissed his appeal of that decision for failure to prosecute. Because Thompson failed to object after a magistrate judge recommended that the district court enter summary judgment in favor of Branch Banking, we affirm.

Thompson waived his right to appeal the summary judgment against his complaint. A party must “serve and file written objections” to a magistrate judge’s report and recommendation within 14 days of that decision, 28 U.S.C. § 636(b)(1), and the failure to do so “waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions,” 11th Cir. R. 3-1. As Branch Banking argues, Thompson failed to heed the magistrate judge’s warning that the “[f]ailure to timely file objections . . . bar[red] . . . a *de novo* determination by the District Judge of an issue covered in the Report and . . . [any] attack[] on appeal [to] unobjected-to factual and legal conclusions.” In the absence of an objection, the district court accepted the magistrate judge’s determination that no material dispute existed that Branch Banking did not violate the Act when it had express permission to call a second party who forwarded the telephone calls to Thompson. *See Mais v. Gulf Coast Collection Bureau, Inc.*, 768 F.3d 1110, 1118

(11th Cir. 2014). Because Thompson failed to object after being warned “of all of the consequences on appeal for failing to object,” he waived any challenge he could have made to the adverse ruling. *See Harrigan v. Metro Dade Police Dep’t Station #4*, 977 F.3d 1185, 1192 (11th Cir. 2020).

We **AFFIRM** the summary judgment in favor of Branch Banking & Trust.