

Filed: August 18, 2000

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6262
(CA-98-3735-0-13-BD)

George Jones, Sr.,

Plaintiff - Appellant,

versus

Michael Moore, etc., et al.,

Defendants - Appellees.

O R D E R

The court amends its opinion filed June 5, 2000, as follows:

On page 2, first full paragraph, line 2 -- the parenthetical is corrected to read "(West Supp. 2000)."

On page 2, second full paragraph, line 7 -- a footnote is added after the word "notice." The footnote reads:

Jones argues that his failure to object should be excused because a law clerk was late in returning the appropriate paperwork to Jones. Even if we assume this was true, we have reviewed the district court's order dismissing his action and find no reversible error. See Jones v. Moore, No. CA-98-3735-0-13-BD (D.S.C. Dec. 8, 1999).

For the Court - By Direction

/s/ Patricia S. Connor

Clerk

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-6262

GEORGE JONES, SR.,

Plaintiff - Appellant,

versus

MICHAEL MOORE, Director of South Carolina Department of Corrections; CORRECTIONAL OFFICER TAYLOR; CORRECTIONAL OFFICER WHITNEY; CAPTAIN ALBARITTON; CAPTAIN PATE; CORRECTIONAL OFFICER MACK; SERGEANT CARTER,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. G. Ross Anderson, Jr., District Judge. (CA-98-3735-0-13-BD)

Submitted: May 25, 2000

Decided: June 5, 2000

Before WILLIAMS, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

George Jones, Sr., Appellant Pro Se. Marvin Coleman Jones, BOGOSLOW & JONES, Walterboro, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

George Jones, Sr., appeals from the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2000) complaint. Jones' case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Jones that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Jones failed to object to the magistrate judge's recommendation.

The timely filing of 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 that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Jones has waived appellate review by failing to file objections after receiving proper notice.* Accordingly, we affirm the judgment of the district court. We dispense with oral argument because the facts and legal contentions are

* Jones argues that his failure to object should be excused because a law clerk was late in returning the appropriate paperwork to Jones. Even if we assume this was true, we have reviewed the district court's order dismissing his action and find no reversible error. See Jones v. Moore, No. CA-98-3735-0-13-BD (D.S.C. Dec. 8, 1999).

adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED