

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7021

TALIESIN, a/k/a Mark Lee Patrick,

Plaintiff - Appellant,

versus

K. HAWK, Director, Federal Bureau of Prisons,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, District Judge. (CA-99-250-F)

Submitted: October 12, 2000

Decided: October 20, 2000

Before WILLIAMS and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Taliesin, Appellant Pro Se. Jerri Ulrica Dunston, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Taliesin appeals the district court's order granting partial summary judgment in his favor in this civil action pursuant to Bivens v. Six Named Unknown Agents of Fed. Bureau of Narcotics, 403 U.S. 338 (1971). Taliesin's 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 granted with respect to prison services, including mail and notary services, but denied in all other respects. The magistrate judge advised Taliesin 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, Taliesin 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). Appellant 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

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

AFFIRMED