

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7541

STEPHEN C. STANKO,

Plaintiff - Appellant,

versus

MICHAEL MOORE, Director of South Carolina Department of Corrections; WILLIE WELDON, Warden of Lieber Correctional Institution; RICKIE HARRISON, Warden of Kershaw Correctional Institution; ROBIN CHAVIS, Associate Warden of Kershaw Correctional Institution; STANLEY BURTT, Warden of Kershaw Correctional Institution,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence. G. Ross Anderson, Jr., District Judge. (CA-98-2461-4-13BF)

Submitted: March 8, 2001

Decided: March 15, 2001

Before MOTZ, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Stephen C. Stanko, Appellant Pro Se. Terry B. Millar, Rock Hill, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Stephen C. Stanko appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2000) complaint. Stanko'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 denied and advised Stanko that failure to file specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Stanko failed to file specific objections to the magistrate judge's 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 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). Stanko has waived appellate review by failing to file specific 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