

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 00-7673**

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LYNDON B. TISDALE,

Plaintiff - Appellant,

versus

CALVIN ANTHONY, Warden of Lee Correctional  
Institution,

Defendant - Appellee,

and

SCDC, Intity,

Defendant.

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Appeal from the United States District Court for the District of  
South Carolina, at Charleston. Solomon Blatt, Jr., Senior District  
Judge. (CA-99-3874-2-8AJ)

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Submitted: February 8, 2001

Decided: February 15, 2001

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Before WILKINS, MOTZ, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Lyndon B. Tisdale, Appellant Pro Se. John Evans James, III,  
RICHARDSON & JAMES, Sumter, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Lyndon B. Tisdale appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2000) complaint. Tisdale'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 Tisdale 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, Tisdale 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. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Tisdale 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