

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-6933

LEONARD CARTER,

Plaintiff - Appellant,

versus

T. FOWLKES, Director Law Library Sussex I
State Prison; PAUL CUMMINGS, Treatment Pro-
grams Supervisor; RONALD J. ANGELONE, Direc-
tor, Virginia Department of Corrections,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Richmond. Richard L. Williams, Senior
District Judge. (CA-00-701)

Submitted: November 8, 2001

Decided: November 15, 2001

Before WILKINS, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Leonard Carter, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Leonard Carter appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. Carter'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 Carter 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, Carter 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). Carter 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 and deny Carter's motion for appointment of counsel because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED