

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-7327**

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CLOREY EUGENE FRANCE,

Plaintiff - Appellant,

versus

B. K. YANDELL, Officer; WINSTON-SALEM POLICE  
DEPARTMENT,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle Dis-  
trict of North Carolina, at Durham. Frank W. Bullock, Jr., District  
Judge. (CA-01-570-1)

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Submitted: November 8, 2001

Decided: November 19, 2001

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Before WILKINS, MICHAEL, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Clorey Eugene France, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Clorey Eugene France appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. France'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 France 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, France 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). France has waived appellate review by failing to file objections after receiving proper notice. Moreover, because France's claim was plainly barred by the statute of limitations, even if he had filed objections, as he contends on appeal, no relief would be warranted. Accordingly, we affirm the judgment of the district court. We deny France's motion for production of documents. We dispense with oral argument because the facts and legal contentions are adequately presented in the mate-

rials before the court and argument would not aid the decisional process.

AFFIRMED