

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7397

BERNARD KIRK BARNES,

Plaintiff - Appellant,

and

ADRIAN JACKSON; MARTIN MORGAN; DAVID JOHNSON;
JONATHAN CARROLL; HASSON CRAIG; REGINALD
FRYER; CARLOS ANDERSON; ERNEST BATES; JOHNNY
BRAVO; MARY COOK; DAVID DUPREE; WILLIE BROWN;
MAURICE KINARD; TYRONE WILSON; JOHN WRIGHT;
JAMES MAYERS; MELVIN DREHER; RIO REED,

Plaintiffs,

versus

JOSEPH BOCHENEK,

Defendant - Appellee,

and

LEON LOTT, Sheriff of Richland County,

Defendant.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Dennis W. Shedd, District Judge.
(CA-00-2682-2-19AJ)

Submitted: January 17, 2002

Decided: January 28, 2002

Before WILKINS and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Bernard Kirk Barnes, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bernard Kirk Barnes appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. Barnes' 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 Barnes 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, Barnes 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). Barnes has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. We deny the Appellee's motion to dismiss. 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