

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-7842

MICHAEL OWEN HARRIOTT,

Plaintiff - Appellant,

versus

KURT MCKAUGHAN; GARY N. SMITH; LARRY W.
PROPES; SCARLETT A. WILSON; ERIC RUSCHKY;
HERBERT LOUTHIAN, JR.; NATHANIEL ROBERSON;
JOHN A. O'LEARY; J. RENE JOSEY; ROB
WAIZENHOFER; BRISTOW MARCHANT,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Dennis W. Shedd, District Judge.
(CA-01-3435-3-19-BC)

Submitted: January 31, 2002

Decided: February 11, 2002

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael Owen Harriott, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Michael Owen Harriott appeals the district court's order dismissing his complaint under 28 U.S.C.A. § 1915(e)(2)(B) (1994). Appellant'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 Appellant that the failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Appellant 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). Appellant has waived appellate review by failing to file objections after receiving proper notice. We accordingly 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