

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6272

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NORVELL WEBSTER CRUMP,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert J. Staker, Senior District Judge. (CR-94-101, CA-99-491)

Submitted: May 30, 2002

Decided: June 6, 2002

Before WILKINS, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Norvell Webster Crump, Appellant Pro Se. Michael Lee Keller, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Norvell Webster Crump seeks to appeal the district court's judgment order denying his motion filed under 28 U.S.C.A. § 2255 (West Supp. 2001). Crump's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended relief be denied and advised Crump 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, Crump failed to object to the magistrate judge's recommendation. The district court adopted the magistrate judge's findings and 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). Crump has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny a certificate of appealability and dismiss the appeal. 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.

DISMISSED