

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1809

DAVID COE; JUDY COE,

Plaintiffs - Appellants,

versus

CAVE MOBILE HOME CONTRACTORS, INCORPORATED;
BRITT CAVE, Owner of Cave Mobile Home
Contractors, Incorporated; CHARLES ROOK, LUV
Homes Manager; DANNY HAWKS,

Defendants - Appellees.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. William L. Osteen, District
Judge. (CA-05-422-1)

Submitted: November 17, 2005 Decided: November 22, 2005

Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

David Coe, Judy Coe, Appellants Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

David and Judy Coe appeal the district court's order dismissing their 42 U.S.C. §§ 1983, 3604(b), (f) (2000) complaint. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that the complaint be dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B) (2000) and advised the Coes 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, the Coes failed to object to the magistrate judge's recommendation.

The timely filing of specific 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). The Coes have waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny leave to proceed in forma pauperis 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