

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-6440**

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ALBERT EUGENE BARNES,

Petitioner - Appellant,

versus

RUTH YANCEY, Warden of FCI Williamsburg;  
UNITED STATES OF AMERICA,

Respondents - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (CA-04-23164-6-HMH)

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Submitted: July 14, 2005

Decided: July 26, 2005

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Before WILKINSON, LUTTIG, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Albert Eugene Barnes, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Albert Eugene Barnes appeals the district court's order accepting the recommendation of a magistrate judge and dismissing Barnes' § 2241 motion. 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 on 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 the proper notice. Accordingly, we 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 in the decisional process.

DISMISSED