

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7431

TIM HENRY GILMORE, a/k/a Henry Tim Gilmore,
a/k/a Tim H. Gilmore,

Plaintiff - Appellant,

versus

FRAZIER, Inmate, E dorm orderly; ALMA BURNS,
RN; PATRICIA GARRISON, Major; CORRECTIONAL
OFFICER MIDDLETON,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. David C. Norton, District Judge.
(CA-05-2079-2)

Submitted: December 22, 2005

Decided: January 3, 2006

Before WIDENER, NIEMEYER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tim Henry Gilmore, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tim Henry Gilmore appeals the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (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 relief be denied and advised Gilmore 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, Gilmore 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). Gilmore has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we 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