

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7637

RICHARD DOUGLAS MURRAY, SR.,

Plaintiff - Appellant,

versus

EDWARD J. RUDLOFF, Administrator, Eastern
Regional Jail; JAMES RUBENSTEIN, Commissioner,
Department of Corrections; BARBRA WHITE,
Nursing Director Prime Care Medical; GLEN
STOTLER, President, Morgan County Commission,

Defendants - Appellees.

Appeal from the United States District Court for the Northern
District of West Virginia, at Martinsburg. W. Craig Broadwater,
District Judge. (CA-04-103-3)

Submitted: March 23, 2006

Decided: March 29, 2006

Before WILKINSON, LUTTIG, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Richard Douglas Murray, Sr., Appellant Pro Se. Tracey Brown
Eberling, STEPTOE & JOHNSON, Martinsburg, West Virginia; Charles
Patrick Houdyschell, Jr., WEST VIRGINIA DIVISION OF CORRECTIONS,
Charleston, West Virginia; Mark William Browning, SHUMAN, MCCLUSKEY
& SLICER, PLLC, Charleston, West Virginia; Michael Douglas
Lorensen, BOWLES, RICE, MCDAVID, GRAFF & LOVE, PLLC, Martinsburg,

West Virginia; Debra MH McLaughlin, Berkeley, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Richard Douglas Murray, Sr., appeals the district court's order dismissing 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 Murray that failure to timely file specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Murray failed to file specific objections 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 specifically object will waive appellate review. See Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); see also Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Murray has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we deny Murray's motion for appointment of counsel and 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