

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7218

RICHARD L. MILLER,

Plaintiff - Appellant,

versus

DAVID TUCKER; W. C. MOYER; KANAWHA COUNTY
COMMISSIONERS; ABBOTT'S GARAGE AND WRECKER
SERVICE, LLC; MOTEL 6 OPERATING, LP; RICKY
EDWARD JORDAN; KELLIE SLATER; ALICE QUEEN
DIXON,

Defendants - Appellees,

and

FOUR (4) KANAWHA COUNTY SHERIFF'S DEPUTIES;
ABBOTT TOWING, INCORPORATED; SUPER 6 MOTEL,
INCORPORATED; WSAZ-3 TV BROADCASTING,
INCORPORATED; WOWK-13 TV BROADCASTING,
INCORPORATED, their respective parent,
subsidiaries, stockholders, owners, agents,
servants, and employees; MOTEL 6 GUEST, white
male; EMMIS TELEVISION BROADCASTING, L.P.,

Defendants.

Appeal from the United States District Court for the Southern
District of West Virginia, at Charleston. Robert C. Chambers,
District Judge. (2:03-cv-02500)

Submitted: February 15, 2007

Decided: February 21, 2007

Before NIEMEYER, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Richard L. Miller, Appellant Pro Se. David Francis Nelson, SCHUMACHER, FRANCIS & NELSON, Charleston, West Virginia; John Albert Singleton, Charleston, West Virginia; Jennifer Rae Anderson, STEPTOE & JOHNSON, Charleston, West Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard L. Miller seeks to appeal the district court's order denying relief on his civil 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 Miller 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, Miller 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 of the consequences of noncompliance. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Miller has waived appellate review by failing to timely file specific 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