

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 07-7666

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JOHN JACOB YORKEY,

Plaintiff - Appellant,

v.

WARDEN MICHAEL PETTIFORD, FCI Bennettsville; ASSISTANT WARDEN  
A. MANSUKHANI, FCI Bennettsville; MD L BERROUS, FCI  
Bennettsville; WARDEN FCI MARIANNA; DR J BERROUS, FCI  
Bennettsville,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Anderson. Henry M. Herlong, Jr., District  
Judge. (8:07-cv-01037-HMH)

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Submitted: March 25, 2008

Decided: March 31, 2008

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Before MOTZ, KING, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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John Jacob Yorkey, Appellant Pro Se. Barbara Murcier Bowens,  
Assistant United States Attorney, Columbia, South Carolina, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John Jacob Yorkey appeals the district court's order denying relief on his complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). 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 Yorkey that failure to file specific timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Yorkey 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 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). Yorkey 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