

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7022

ANGELO B. HAM,

Plaintiff - Appellant,

v.

OFFICER CAIN, SMU, Business Office, Lee Correctional
Institution; L. MILLER, Grievance Coordinator, Lee
Correctional Institution,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. David C. Norton, District Judge.
(6:08-cv-01764-DCN)

Submitted: October 21, 2008

Decided: October 28, 2008

Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Angelo B. Ham, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Angelo B. Ham appeals the district court's order denying relief on 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 Ham 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, Ham 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). Ham has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we deny Ham'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