

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 95-1965

WILLIAM RAY MCDANIEL,

Plaintiff - Appellant,

versus

TACO BELL CORPORATION,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Anderson. G. Ross Anderson, Jr., District Judge. (CA-94-3045-8-3AK)

Submitted: January 11, 1996

Decided: January 23, 1996

Before RUSSELL, HALL, and WILKINSON, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William Ray Mc Daniel, Appellant Pro Se. Randall David Avram, HUNTON & WILLIAMS, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order dismissing his action alleging that his employer violated certain labor laws. Appellant's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1988). The magistrate judge recommended that relief be denied and advised Appellant that failure to file specific and timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Appellant failed to file materials which specifically identified portions of the recommendation to which he objected. Rather, Appellant filed materials which the district court correctly characterized as "rambling" and "hallucinatory," in which Appellant asserted that an unnamed United States Supreme Court Justice promised him a hearing and favorable result on his claim.

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 Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (if a party makes only general objections to the magistrate judge's findings and recommendations, the objections are not sufficient to preserve appellate review); see also Wright v. Collins, 766 F.2d 841, 845-47, nn. 1-3 (4th Cir. 1985); see generally Thomas v. Arn, 474 U.S. 140 (1985). Because the materials Appellant filed in response to the magistrate judge's recommendation completely failed to object

to any portion of the recommendation, Appellant has waived appellate review by failing to 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