

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6224

RASTAMAN MTUME OBALAJI MFUME I, a/k/a Herbert
Lee Bailey,

Plaintiff - Appellant,

versus

PARKER EVATT; WILLIAM R. DAVIS; TERRY BROOKS;
VERNON CHANDLER,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. Henry M. Herlong, Jr., District
Judge. (CA-94-3175-20BD)

Submitted: August 22, 1996

Decided: September 3, 1996

Before RUSSELL, HALL, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Rastaman Mtume Obalaji Mfume I, Appellant Pro Se. William Paul
Griggs, GRIGGS, SPRUILL & HARRIS, Cheraw, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.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 42 U.S.C. § 1983 (1988) complaint. 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 timely and specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Appellant 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 object will waive appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). See generally Thomas v. Arn, 474 U.S. 140 (1985). Appellant has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we deny Appellant's request for appointed 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