

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 97-1570

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MARK A. LEE,

Plaintiff - Appellant,

versus

CUSHMAN, INCORPORATED,

Defendant - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Aiken. Charles E. Simons, Jr., Senior District Judge. (CA-95-2854-1-6BC)

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Submitted: October 31, 1997

Decided: November 17, 1997

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Before HALL and ERVIN, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Mark A. Lee, Appellant Pro Se. George R. Hall, Timothy Eugene Moses, HULL, TOWILL, NORMAN & BARRETT, Augusta, Georgia, For Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals the district court's order granting summary judgment in favor of Appellee in this products liability action. Appellant's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(A) (1994). The magistrate judge recommended that summary judgment be granted in favor of Appellee, and advised Appellant 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, Appellant failed to object to the magistrate judge's recommendation.

The timely filing of 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 Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Appellant has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we dismiss the appeal. 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.

DISMISSED

