

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 97-6397**

---

KENNETH WAYNE INSCORE,

Petitioner - Appellant,

versus

BUREAU OF PRISONS,

Respondent - Appellee.

---

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. David A. Faber, District Judge. (CA-96-522-5)

---

Submitted: March 31, 1999

Decided: April 21, 1999

---

Before NIEMEYER and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

---

Affirmed by unpublished per curiam opinion.

---

Kenneth Wayne Inscore, Appellant Pro Se. Rebecca A. Betts, United States Attorney, Charleston, West Virginia, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kenneth Wayne Inscore appeals the district court's order dismissing his 28 U.S.C. § 2241 (1994) complaint. Inscore's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Inscore 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, Inscore 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). Inscore has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. Inscore's motions to expedite this appeal are denied as moot. We deny Inscore's motion for the appointment of counsel and 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