

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6197**

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TROY L. MATHIS,

Plaintiff - Appellant,

versus

CHIEF BUSBEE, Chief of Aiken Public Safety,

Defendant - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Florence. G. Ross Anderson, Jr., District Judge. (CA-97-3855-5-13-JI)

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Submitted: June 17, 1999

Decided: June 22, 1999

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Before MURNAGHAN and TRAXLER, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Troy L. Mathis, Appellant Pro Se. David Leon Morrison, DAVIDSON, MORRISON & LINDEMANN, P.A., Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Troy Mathis appeals the district court's order dismissing his 42 U.S.C. § 1983 (1994) complaint. Mathis' 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 Mathis 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, Mathis 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). Mathis has waived appellate review by failing to file 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