

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6491

MARION SCOTT,

Plaintiff - Appellant,

versus

EBID KORKUT, MD/PA; ERIN BEATY, Radiologist,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Orangeburg. Matthew J. Perry, Jr., Senior District Judge. (CA-98-323-5-10BD)

Submitted: June 17, 1999

Decided: June 25, 1999

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

Affirmed by unpublished per curiam opinion.

Marion Scott, Appellant Pro Se. Charles Elford Carpenter, Jr., S. Elizabeth Brosnan, RICHARDSON, PLOWDEN, CARPENTER & ROBINSON, Columbia, South Carolina; Marian Williams Scalise, RICHARDSON, PLOWDEN, CARPENTER & ROBINSON, Myrtle Beach, South Carolina; James Miller Davis, Jr., DAVIDSON, MORRISON & LINDEMANN, P.A., Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Marion Scott appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 1999) complaint. Scott'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 Scott 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, Scott 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). Scott 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