

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 00-6839

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HEYWARD CECIL DEMPSEY,

Plaintiff - Appellant,

versus

CHRISTOPHER MURPHY, Assistant Solicitor;  
BARBARA WALTERS, Investigator,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Florence. Henry M. Herlong, Jr., District Judge.  
(CA-00-1056-4-20-BF)

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Submitted: August 30, 2000

Decided: September 11, 2000

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Before WIDENER, NIEMEYER, and WILLIAMS, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Heyward Cecil Dempsey, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Heyward Cecil Dempsey appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2000) action without prejudice. Dempsey'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 Dempsey that the failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Dempsey 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 also Thomas v. Arn, 474 U.S. 140 (1985). Dempsey 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