

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6368**

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JAMES GRAHAM,

Plaintiff - Appellant,

versus

LARRY ABRAHAMS, in his individual and official capacity; BETTY LANCENT, Lieutenant, in her individual and official capacity; PAMELA JOHNSON, of Dillon County Jail, in her individual and official capacity; MICHAEL W. MOORE, in his individual and official capacity; LAUREN BESSINGER, in her individual and official capacity; PHOEBE JOHNSON, of the South Carolina Department of Corrections, in her individual and official capacity,

Defendants - Appellees.

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Appeal from the United States District Court for the District of South Carolina, at Columbia. Margaret B. Seymour, District Judge. (CA-99-555-7)

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Submitted: June 21, 2001

Decided: June 29, 2001

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Before WIDENER and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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James Graham, Appellant Pro Se. David Leon Morrison, James Miller Davis, Jr., DAVIDSON, MORRISON & LINDEMANN, P.A., Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James Graham appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2000) complaint. Graham'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 Graham 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, Graham 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. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985). Graham 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