

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-6448**

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ISAAC A. BLAKE,

Plaintiff - Appellant,

and

BILLY LEE LISEBY, a/k/a Malik A. Al-Shabazz;  
WILLIAM LAMONT SCURRY,

Plaintiffs,

versus

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS; W.  
D. CATOE, Director of South Carolina Depart-  
ment of Corrections; GERALDINE MIRO, Warden of  
Allendale Correctional Institution; MCKITHER  
BODISON, Associate Warden of Allendale Cor-  
rectional Institution; KENNETH GREENE, Ser-  
geant; L. TERRY, Correctional Officer; KEN  
LONG, Grievance Clerk; ANN HALLMAN, Grievance  
Clerk; BETSY ALBRITTON, Captain; JOSEPH  
DELOACH, Captain; E. SMITH, Correctional Of-  
ficer; B. J. THOMAS, Counsel Substitute;  
BENJAMIN MONTGOMERY, Deputy Director of South  
Carolina Department of Corrections,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Spartanburg. David C. Norton, District Judge.  
(CA-99-2281-7)

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Submitted: December 20, 2001

Decided: December 27, 2001

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Before LUTTIG, TRAXLER, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Isaac A. Blake, Appellant Pro Se. Robert Douglas Simmons Mellard,  
BOGOSLOW & JONES, Walterboro, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Isaac A. Blake appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. Blake'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 Blake 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, Blake 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); see also Thomas v. Arn, 474 U.S. 140 (1985). Blake 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