

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-2299

JOHN D. WENTZKY,

Plaintiff - Appellant,

versus

BROWN & COMPANY SECURITIES CORPORATION; THE
NASDAQ STOCK MARKET, INCORPORATED,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Anderson. Henry M. Herlong, Jr., District Judge.
(CA-02-1858-20AK)

Submitted: February 6, 2003

Decided: February 12, 2003

Before WILKINS, MICHAEL, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

John D. Wentzky, Appellant Pro Se. Frank S. Holleman, III, Troy
Alan Tessier, WYCHE, BURGESS, FREEMAN & PARHAM, P.A., Greenville,
South Carolina; William Alexander Coates, ROE, CASSIDY, COATES &
PRICE, P.A., Greenville, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

John D. Wentzky appeals the district court's order dismissing his complaint against Brown & Co. Securities Corp. and the Nasdaq Stock Market, Inc. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied and advised Wentzky 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, Wentzky failed to object to the magistrate judge's recommendation.

The timely filing of specific 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). Wentzky 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