

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-4840**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NA'IM N. HARITH-BEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Rebecca B. Smith, District Judge. (CR-02-89)

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Submitted: December 10, 2002

Decided: December 24, 2002

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Before WILKINS and NIEMEYER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Na'im N. Harith-Bey, Appellant Pro Se. Toby M. Jesson, Special Assistant United States Attorney, Fort Monroe, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

A federal magistrate judge found Na'im N. Harith-Bey guilty of driving without a valid driver's license on a military base, in violation of Va. Code Ann. § 46.2-300 (Michie 2002), as assimilated into federal jurisdiction pursuant to 18 U.S.C. §§ 7, 13 (2000). Harith-Bey timely appealed to the federal district court. However, when he failed to appear for oral argument, the district court dismissed the appeal for failure to prosecute. Harith-Bey filed a timely appeal to this court, challenging the magistrate judge's jurisdiction to try him for driving without a valid driver's license.

Because Harith-Bey does not challenge in his informal brief the grounds for the district court's dismissal of his appeal, that issue is waived. 4th Cir. R. 34(b). Furthermore, by failing to prosecute his appeal before the district court, we find that he has waived his right to appeal. Cf. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985) (failure to file timely objections to magistrate judge's report and recommendation waives appellate review of substance of that recommendation). Consequently, we affirm. 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