

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6196

DAVIS YOUNG,

Plaintiff - Appellant,

versus

WILLIAM D. CATOE, Director, South Carolina
Department of Corrections; M. WHIPPLE,
Captain; RONALD JACQUES, Major; P. DOUGLAS
TAYLOR, Warden; MARGARET HARRISON, DHO; JANE
DOE; JOHN DOE, all sued in their individual
capacities; BERNICE SMITH, Sergeant; ARON
BROWN, Sergeant; T. ALEXANDER, Sergeant,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. G. Ross Anderson, Jr., District
Judge. (CA-00-3778-6-12AK)

Submitted: April 18, 2002

Decided: April 30, 2002

Before MOTZ, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Davis Young, Appellant Pro Se. Isaac McDuffie Stone, III, Francesca
Macchiaverna, LAW OFFICE OF DUFFIE STONE, Bluffton, South Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Davis Young appeals the district court's order dismissing his 42 U.S.C.A. § 1983 (West Supp. 2001) complaint. Appellant'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 Appellant 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, Appellant 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). Appellant 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