

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-7950**

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HAROLD SMITH, JR.,

Plaintiff - Appellant,

versus

PATRICIA A. VINES; PATRICIA A. BENNETT; LEE  
NEWTON; UNITED STATES PAROLE COMMISSION; PAUL  
A. WILLIAMS; JOHN DOE; MR. SMITH; ISRAEL  
BROOKS, JR.; UNITED STATES MARSHAL'S SERVICE;  
LARRY W. POWERS, Director; SALVATORE BIANCO;  
SPELLER, Captain; GILBERT, Corporal; O'DELL;  
WOOD, Corporal; P. MILLER; TILLS, Sergeant;  
GREENE, Officer; SPARTANBURG COUNTY DETENTION  
FACILITY; MICHAEL HOLMES; GRIBBS; CHEROKEE  
COUNTY JAIL; LIEUTENANT PILGRIM; COLBERT,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Greenville. G. Ross Anderson, Jr., District  
Judge. (CA-02-3271-6-26)

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Submitted: March 29, 2004

Decided: April 28, 2004

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Before LUTTIG, WILLIAMS, and MOTZ, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Harold Smith, Jr., Appellant Pro Se. Barbara Murcier Bowens,  
OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina;  
William Benson Darwin, Jr., HOLCOMBE, BOMAR, GUNN & BRADFORD, P.A.,

Spartanburg, South Carolina; Steven Albert Snyder, DONNAN, MORTON,  
DAVIS & SNYDER, P.A., Greenville, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Harold Smith, Jr., appeals the district court's order dismissing his 42 U.S.C. § 1983 (2000) complaint. 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 Smith 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, Smith failed to timely 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). Smith has waived appellate review by failing to file timely objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. We deny Smith's motions for appointment of counsel and to stay this appeal.

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