

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1856

LEON W. MCMILLIAN,

Plaintiff - Appellant,

versus

JEFFREY E. MCINNIS; GUILFORD COUNTY, NORTH
CAROLINA,

Defendants - Appellees,

and

GUILFORD COUNTY JUVENILE DETENTION CENTER,

Defendant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. William L. Osteen, District
Judge. (CA-02-56)

Submitted: November 18, 2004 Decided: November 23, 2004

Before LUTTIG and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Leon W. McMillian, Appellant Pro Se. Jonathan Virett Maxwell,
Assistant County Attorney, James Antone Dickens, Jr., COUNTY
ATTORNEY'S OFFICE, Greensboro, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Leon W. McMillian seeks to appeal the district court's order dismissing his employment discrimination suit. 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 McMillian 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, McMillian 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). McMillian has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny leave to proceed in forma pauperis and dismiss the 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.

DISMISSED