

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6206

FREDERICK BELCHER,

Petitioner - Appellant,

versus

LARRY POWERS, Director of Spartanburg County
Detention Facility; SPELLER, Captain at
Spartanburg County Detention Facility;
SALVATORE BIANCO, Doctor at Spartanburg County
Detention Facility,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. G. Ross Anderson, Jr., District
Judge. (CA-02-3714-2-20)

Submitted: June 18, 2004

Decided: July 16, 2004

Before WIDENER, LUTTIG, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Frederick Belcher, Appellant Pro Se. William Benson Darwin, Jr.,
David Dameron Proctor, HOLCOMBE, BOMAR, GUNN & BRADFORD, P.A.,
Spartanburg, South Carolina; Stanley Turner Case, Edward Grainger
Smith, BUTLER, MEANS, EVINS & BROWNE, Spartanburg, South Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Frederick Belcher 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 Belcher 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, Belcher 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). Belcher has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

We deny Belcher's motion to compel Appellees to respond to discovery requests. 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