

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6490

WILLIAM CLAYTON MCKINNEDY, III,

Plaintiff - Appellant,

versus

JON E. OZMINT; JIM HODGES, Governor of South Carolina; CHARLES MOLONY CONDON, Attorney General; KENNETH D. MCKELLAR, Director of Security; MR. MCKIE, General Counsel Office; ROBERT WARD; RICKIE HARRISON, Warden; ROBERT E. PETERSEN; BEN MONTGOMERY; WARDEN MIRO; DONALD DEASE; RICHARD P. STROKER; J. VICENT BARTON; CRYSTAL ROCKARD; MARY DAVENPORT; DAVID TATARSKY; PATRICIA RAINEY; JAMES SIMMONS, III; TRACI BRAXELY, Grievance Branch; CALVIN ANTHONY, Warden; DAVID DUNLAP; DAVID NELSON; ROBERT MURRAY, Captain; SINGLETARY; SOLOMON SANYO; ROBINSON; LIEUTENANT MILLER; MR. JERNIGAN; MR. BROGDAN; MR. SEWARD; MR. WALTZ; REGGIE BOWERS; MR. FIERSON; MR. REDFERN; DAVIS HARMON; SARGEANT CUSTODIO; SARGEANT COMER; SARGEANT ROBERTSON; OFFICER MACKKEY; MR. GALLAWAY; OFFICER CUTLIP; MR. BURRELL; MR. GARY; MR. CLYBURN; MR. ALLEN; MR. GOODWIN; JOHN LANE; MR. MCCOWAN; MR. NEADLE; MR. WEST; DEBRA WISE; OFFICER MITCHELL; MR. WOODLIEF; MR. FLEMING; C. A. BALKCUM; MR. MEDLOCK; MR. LONG; MR. HARDIN; MR. NELSON; MR. STEEN; MR. ROBINSON; MR. ARMSTRONG; MICHAEL R. MATHEWS; NATHANIEL HUGHES, South Carolina Department of Corrections; J. L. GOWAN, Doctor; MR. MCKINNEY; MR. COOKE; SENYA L. ADAMS; MR. PHILIPS; MR. GARDNER; MR. ANDERSON; RAY N. STEVENS; CAROLYN MATTHEWS; JUDY C. ANDERSON;

JOHN ADAMS; KELLI G. MADDOX; MR. SUTTENS;
CORRECTIONAL OFFICER WILSON,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (CA-02-4027-6-20AK)

Submitted: July 15, 2004

Decided: July 22, 2004

Before MOTZ, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William Clayton McKinney, III, Appellant Pro Se. Steven Michael Pruitt, MCDONALD, PATRICK, TINSLEY, BAGGETT & POSTON, Greenwood, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

William C. McKinnedy 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 McKinnedy 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, McKinnedy 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). McKinnedy has waived appellate review by failing to file objections after receiving proper notice.

Accordingly, we affirm the district court's judgment dismissing McKinnedy's claims. We deny McKinnedy's "Motion for a Time Enlargement and/or Motion for Preliminary Injunction." 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