UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-2031

M. D. WILKINS; M. D. WILKINS FUNERAL HOME,

Plaintiffs - Appellants,

versus

JANET RENO, Attorney General of the United States; U. S. ATTORNEY FOR THE EASTERN DISTRICT OF VIRGINIA; U. S. BANKRUPTCY COURT; DOUGLAS O. TICE, JR., Honorable Judge; GREGG R. NIVALA, Assistant U. S. Trustee; SHERMAN B. LUBMAN, Trustee; JOSEPH PATCHAN, Director, Executive Office for the U.S. Trustee; NEIL O. REID, Esq.; GLASSER AND GLASSER LAW FIRM; HILL AND RAINEY LAW FIRM; SHELTON C. EASTER; SIGNET BANK CORPORATION; RONALD E. KUYKENDALL, Counsel for Signet Bank; ROBERT PAYNE, Honorable Judge; CIVIL RIGHTS COMMISSION,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CA-97-808-3)

Submitted: September 30, 1998 Decided: October 14, 1998

Before ERVIN,[*] LUTTIG, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

M. D. Wilkins, Appellant Pro Se. Debra Jean Prillaman, Assistant United States Attorney, Richmond, Virginia; Kevin Robert Huennekens, Loc Pfeiffer, MALONEY, HUENNEKENS, PARKS, GECKER & PARSONS, Richmond, Virginia; Douglas Pendleton Rucker, Jr., Lloyd Lee Byrd, SANDS, ANDERSON, MARKS & MILLER, Richmond, Virginia; Cindra Myers Dowd, GLASSER & GLASSER, Norfolk, Virginia; Robert Bruce Hill, Thomas Orlando Rainey, III, HILL & RAINEY, Petersburg, Virginia; Shelton C. Easter, Emporia, Virginia; Augustus Charles Epps, Jr., CHRISTIAN & BARTON, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

[*] Judge Ervin did not participate in consideration of this case. The opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Michael D. Wilkins appeals the district court's order dismissing with prejudice his complaint alleging civil rights violations. Wilkins' 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 Wilkins that failure to file timely, specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Wilkins lodged only one specific objection to the magistrate judge's recommendation with regard to his claims against Defendant Lubman. We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge and find no reversible error. Accordingly, we affirm on the reasoning of the district court as to Wilkins' claims against Lubman. Wilkins v. Reno, No. CA-97-808-3 (E.D. Va. June 11, 1998).

As for Wilkins' claims against the remaining Defendants, 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 lodge specific objections will waive appellate review. See Howard v. Secretary of Health & Human Servs., 932 F.2d 505, 507-09 (6th Cir. 1991); Lockert v. Faulkner, 843 F.2d 1015, 1019 (7th Cir. 1988). See generally Thomas v. Arn, 474 U.S. 140

(1985); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Wilkins has waived appellate review of his remaining claims by failing to file specific objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. We deny Wilkins' motion for 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