

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-7522

KENNETH GREEN,

Plaintiff - Appellant,

versus

TYRONE SUBER; WILLIAM R. DAVIS; CHARLES H.
MCLENDON; EDWARD PORCHER; GEORGE MARTIN;
WILLIAM D. CATOE; MICHAEL W. MOORE,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Rock Hill. Henry M. Herlong, Jr., District
Judge. (CA-98-560-0-20-BD)

Submitted: March 11, 1999

Decided: March 17, 1999

Before WIDENER and LUTTIG, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Kenneth Green, Appellant Pro Se. Joseph Crouch Coleman, Columbia,
South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kenneth Green appeals the district court's order dismissing his 42 U.S.C. § 1983 (1994) complaint. Green's 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 Green 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, Green failed to object to the magistrate judge's recommendation.

The timely filing of 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 generally Thomas v. Arn, 474 U.S. 140 (1985). Green has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court. 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