

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-6564

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

VINCENT ANYAOGU OKOROAFOR,

Defendant.

IFEDOO NOBLE ENIGWE,

Movant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. G. Ross Anderson, Jr., District Judge. (CR-92-375)

Submitted: September 9, 1999

Decided: September 14, 1999

Before ERVIN, WILKINS, and HAMILTON, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Ifedoo Noble Enigwe, Appellant Pro Se. Marvin Jennings Caughman, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Ifedoo Noble Enigwe appeals the district court's order denying a motion for return of property. Enigwe'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 Enigwe 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, Enigwe 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 also Thomas v. Arn, 474 U.S. 140 (1985). Thus, assuming without deciding that Enigwe has standing to appeal and has timely filed a notice of appeal, Enigwe has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny the motion for 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