

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-6835**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DOUGLAS CLEMMONS SILER,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Richard C. Erwin, Senior District Judge. (CR-96-106, CA-99-37-1)

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Submitted: October 21, 1999

Decided: October 27, 1999

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Before WIDENER and TRAXLER, Circuit Judges, and BUTZNER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Douglas Clemmons Siler, Appellant Pro Se. Robert Michael Hamilton, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Douglas Clemmons Siler seeks to appeal the district court's order dismissing his petition filed under 28 U.S.C.A. § 2255 (West Supp. 1999). Siler'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 Siler 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, Siler 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). Siler has waived appellate review by failing to file objections after receiving proper notice. We accordingly deny a certificate of appealability 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