UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8462

GEORGE THOMAS MILTON, JR.,

Plaintiff - Appellant,

v.

OFFICER WILSON; CAPTAIN A. THOMAS; LIEUTENANT RICHSON; MARGARET BELL, Associate Warden; OFFICER GOODEN,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Henry M. Herlong, Jr., District Judge. (2:07-cv-03921-HMH)

Submitted: March 12, 2009 Decided: March 18, 2009

Before MOTZ and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

George Thomas Milton, Jr., Appellant Pro Se. Walker Heinitsh Willcox, WILLCOX, BUYCK & WILLIAMS, PA, Florence, South Carolina, for Appellees.

PER CURIAM:

George Thomas Milton, Jr., seeks to appeal 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) (2006). The magistrate judge recommended that summary judgment be granted for the Defendants and advised Milton that failure to file specific and timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Milton failed to file specific objections 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 of the consequences of noncompliance. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Milton has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we 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