UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8495

CHARLES W. PENLAND, SR.,

            Plaintiff - Appellant,

      v.

THE HONORABLE JUDGE COUCH; LARRY W. PROPES, Clerk of Court
Columbia; KENNETH REINSTAFF, Clerk of Court Spartanburg
County South Carolina; STATE OF SOUTH CAROLINA,

            Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Spartanburg. Henry M. Herlong, Jr., District
Judge. (7:08-cv-03104-HMH)

Submitted: February 26, 2009   Decided: March 9, 2009

Before NIEMEYER, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Charles W. Penland, Sr., Appellant Pro Se.

PER CURIAM:

Charles W. Penland, Sr., appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2000) civil rights 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 relief be denied and advised Penland that failure to file specific objections to this recommendation would waive appellate review of a district court order based upon the recommendation. Although Penland filed a response to the magistrate judge's recommendation, he did not specifically object to the dispositive portions of 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. United States v. Midgette, 478 F.3d 616, 621-22 (4th Cir. 2007); see also Thomas v. Arn, 474 U.S. 140 (1985). Penland has waived appellate review by failing to file specific 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