

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7055

DAVID HALL CRUM,

Plaintiff - Appellant,

v.

BUREAU OF PRISONS; HARRELL WATTS,

Defendants - Appellees.

Appeal from the United States District Court for the Southern
District of West Virginia, at Beckley. Thomas E. Johnston,
District Judge. (5:08-cv-00090)

Submitted: January 19, 2010

Decided: January 26, 2010

Before NIEMEYER, KING, and DAVIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Hall Crum, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David Hall Crum appeals the district court's order denying relief on his complaint filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). 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 citing, among other grounds, that Crum failed to exhaust administrative remedies, and advised Crum 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, Crum filed no objections to the magistrate judge's finding that he failed to exhaust administrative remedies. Crum now seeks to challenge the dismissal of his action on this basis.

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). Crum has waived appellate review of the dismissal for failure to exhaust administrative remedies by failing to file specific objections after receiving proper notice. Accordingly, although

we grant Crum leave to proceed in forma pauperis, 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