UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1664

SAMUEL DAMON HAILEY, President and CEO, Arabic Numbers, Incorporated,

Plaintiff - Appellant,

versus

DON GORE; R. SUTTER; P. TANNER; TROY SPIVEY; JOSE DEMEGLIC; MICHAEL E. SUGGS; DONNA ELDER; Q. TUCKER,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence. R. Bryan Harwell, District Judge. (4:05-cv-03323-RBH)

Submitted: October 31, 2006 Decided: November 2, 2006

Before WILLIAMS, MICHAEL, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Samuel Damon Hailey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Samuel Damon Hailey seeks to appeal the district court's order denying relief on 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) (2000). The magistrate judge recommended that relief be denied and advised Hailey that failure to file timely specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Hailey 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). Hailey has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we deny 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