

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7775

JABORIE BROWN,

Petitioner - Appellant,

v.

WARDEN, FEDERAL CORRECTIONAL INSTITUTION, ESTILL,

Respondent - Appellee,

and

UNITED STATES OF AMERICA,

Respondent.

Appeal from the United States District Court for the District of South Carolina, at Florence. Henry M. Herlong, Junior, District Judge. (4:07-cv-02677-HMH)

Submitted: February 28, 2008

Decided: March 10, 2008

Before WILKINSON, NIEMEYER, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jaborie Brown, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jaborie Brown, a federal prisoner, appeals from the district court's order accepting the recommendation of the magistrate judge and dismissing, without prejudice, his petition filed under 28 U.S.C. § 2241 (2000). 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 Brown 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, Brown failed to file specific objections to the magistrate judge's recommendation; he only proffered non-specific objections and restated the claims raised in his petition.

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 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). Brown 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