UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1465

FRANK BLACK,

Plaintiff - Appellant,

v.

JOHN E. POTTER, Postmaster General, United States Postal Service,

Defendant - Appellee.

Appeal from the United States District Court for the South Carolina, at Florence. Terry L. Wooten, District Judge. (4:06-cv-00899-TLW)

Submitted: July 22, 2008 Decided: July 24, 2008

Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Frank Black, Appellant Pro Se. Christie Valerie Newman, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frank Black appeals the district court's order granting the Defendant's motion for summary judgment and denying relief to Black in his civil action. 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 the Defendant's motion for summary judgment be granted and advised Black 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, Black failed to timely object 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). Black has waived appellate review by failing to timely 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