

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-1924

DAVID J. WASHINGTON,

Plaintiff - Appellant,

v.

DARYL L. BURNS, Marion County Magistrate; DIANE SCOTT; JUDGE
BRISTOW; SHERIFF MARK RICHARDSON,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. R. Bryan Harwell, District Judge.
(4:08-cv-00316-RBH)

Submitted: November 20, 2008

Decided: November 25, 2008

Before MOTZ and GREGORY, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

David J. Washington, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

David J. Washington appeals 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 Washington 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, Washington 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). Washington has waived appellate review by failing to timely file specific objections after receiving proper notice. See United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007). Accordingly, we affirm the judgment of the district court. We deny Washington's motion for recusal, finding it meritless.

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