

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6940

BRIAN L. BROWN,

Petitioner - Appellant,

v.

TERRY O'BRIEN,

Respondent - Appellee.

Appeal from the United States District Court for the Northern
District of West Virginia, at Clarksburg. Irene M. Keeley,
District Judge. (1:12-cv-00032-IMK-JSK)

Submitted: November 19, 2013

Decided: November 22, 2013

Before WYNN and FLOYD, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Brian L. Brown, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian L. Brown appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2013) petition. The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2013). The magistrate judge recommended that relief be denied and advised Brown that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. The district court granted Brown multiple extensions of time to file objections, but Brown filed none.

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). Brown has waived appellate review of his claims by failing to file objections after receiving proper notice. Accordingly, although we grant leave to proceed in forma pauperis, we affirm the judgment of the district court. Brown v. O'Brien, No. 1:12-cv-00032-IMK-JSK (N.D.W. Va. Feb. 5, 2013). We dispense with oral argument because the facts and legal contentions are adequately

presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED