

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6350

MARGARET VIOLET JENKINS WILLIAMS,

Petitioner - Appellant,

v.

UNITED STATES OF AMERICA,

Respondent - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, Chief District Judge. (3:07-cv-00152-JPB-JSK)

Submitted: July 31, 2008

Decided: August 8, 2008

Before NIEMEYER, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Margaret Violet Jenkins Williams, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Margaret Violet Jenkins Williams appeals the district court's order adopting the magistrate judge's recommendation and denying Williams' petition for a writ of mandamus. 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 Williams 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, Williams failed to file 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. Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997); see also Thomas v. Arn, 474 U.S. 140 (1985). Williams has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, although we grant Williams' motion to proceed on appeal in forma pauperis, 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