

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-6103**

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ELIJAH MARSHALL, JR.,

Petitioner - Appellant,

versus

COLIE RUSHTON; ATTORNEY GENERAL OF THE STATE  
OF SOUTH CAROLINA,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Greenville. G. Ross Anderson, Jr., District  
Judge. (6:05-cv-00345-GRA)

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Submitted: April 28, 2006

Decided: June 22, 2006

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Before WILLIAMS, MICHAEL, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Elijah Marshall, Jr., Appellant Pro Se. William Edgar Salter, III,  
OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South  
Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Elijah Marshall, Jr., seeks to appeal the district court's order adopting the magistrate judge's recommendation and denying relief on his 28 U.S.C. § 2254 (2000) petition. Marshall, however, waived his right to appeal by failing timely to file objections to the magistrate judge's recommendation. See Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997). We therefore dismiss the appeal. Id. at 200. 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.

DISMISSED