UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 08-6978

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JAMES CHARLES CALWILE,

            Petitioner - Appellant,

    v.

RICHARD E. BAZZLE,

            Respondent - Appellee.

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Appeal from the United States District Court for the District of
South Carolina, at Greenville. Henry M. Herlong, Jr., District
Judge. (6:07-cv-03100-HMH)

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Submitted: October 21, 2008   Decided: October 28, 2008

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Before MICHAEL, TRAXLER, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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James Charles Calwile, Appellant Pro Se. William Edgar Salter,
III, Assistant Attorney General, Columbia, South Carolina, for
Appellee.

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PER CURIAM:

James Charles Calwile, a South Carolina prisoner, seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2000) petition. 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 Calwile that failure to timely file specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Calwile 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. See United States v. Midgette, 478 F.3d 616, 621-22 (4th Cir.), cert. denied, 127 S. Ct. 3032 (2007); see also Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Calwile has waived appellate review by failing to file specific objections after receiving proper notice. Accordingly, we deny a certificate of appealability and dismiss the appeal.

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