UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-7712

UNITED STATES OF AMERICA,

             Plaintiff - Appellee,

        v.

MICHAEL WAYNE ISLEY,

             Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., District Judge. (1:05-cr-00216-NCT-2; 1:07-cv-00547-NCT-PTS)

Submitted: December 11, 2008   Decided: December 18, 2008

Before NIEMEYER, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Wayne Isley, Appellant Pro Se. Angela Hewlett Miller, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

PER CURIAM:

Michael Wayne Isley seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2000) motion. 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 Isley that the failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Isley failed to object 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). Isley has waived appellate review by failing to timely file specific objections after receiving proper notice. Accordingly, we deny his motion for 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

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before the court and argument would not aid the decisional process.

DISMISSED