

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-6669

MICHAEL WALKER,

Petitioner - Appellant,

v.

WILLIE EAGLETON,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. Patrick Michael Duffy, District Judge. (4:09-cv-00214-PMD)

Submitted: June 22, 2009

Decided: July 1, 2009

Before MICHAEL, TRAXLER, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Michael Walker, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Walker seeks to appeal the district court's order dismissing his 28 U.S.C. § 2254 (2006) petition for failure to exhaust his state court remedies. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2006). The magistrate judge recommended that the petition be dismissed and advised Walker that failure to file specific and timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Walker 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). Walker waived appellate review by failing to file timely and 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