

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7128

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIE DEROD BEALE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. Louise W. Flanagan, District Judge. (4:10-cr-00049-FL-3; 4:12-cv-00176-FL)

Submitted: December 19, 2013

Decided: December 23, 2013

Before SHEDD, DAVIS, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Willie Derod Beale, Butner, North Carolina, for Appellant. John Howarth Bennett, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, North Carolina; Matthew Fesak, Rudolf A. Renfer, Jr., Assistant United States Attorneys, Raleigh, North Carolina; Shailika K. Shah, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Willie Derod Beale seeks to appeal the district court's order denying relief on his 28 U.S.C.A. § 2255 (West Supp. 2013) motion. The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2013). The magistrate judge recommended that relief be denied and advised Beale that the failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the 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). Beale has waived appellate review by failing to file objections, much less 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 this court and argument would not aid the decisional process.

DISMISSED