

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6895

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ELIJAH BEN PASCHELKE,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. John Preston Bailey, Chief District Judge. (3:07-cr-00097-JPB-JSK-2; 3:11-cv-00077-JPB-JSK)

Submitted: August 21, 2014

Decided: August 26, 2014

Before SHEDD, AGEE, and KEENAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Elijah Ben Paschelke, Appellant Pro Se. Jarod James Douglas, Assistant United States Attorney, Martinsburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elijah Ben Paschelke seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012). The magistrate judge recommended that relief be denied and advised Paschelke 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. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315-16 (4th Cir. 2005); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Paschelke has waived appellate review by failing to file 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