

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6167

FELIPE TRUJILLO,

Petitioner - Appellant,

v.

JOHN PATE, Warden, Allendale Correctional Institution,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Timothy M. Cain, District Judge. (2:14-cv-00361-TMC)

Submitted: April 16, 2015

Decided: April 21, 2015

Before AGEE and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Felipe Trujillo, Appellant Pro Se. Donald John Zelenka, Senior Assistant Attorney General, Melody Jane Brown, Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Felipe Trujillo seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition.* 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 Trujillo that 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). Trujillo has waived appellate review by failing to timely file objections after receiving proper notice. Accordingly, we deny Trujillo's motion for a certificate of appealability and dismiss the appeal.

* To the extent that Trujillo also seeks to appeal the district court's denial of his Fed. R. Civ. P. 59(e) motion, we lack jurisdiction to consider that order because he did not file a notice of appeal until after the appeal period expired. See Fed. R. App. P. 4(a)(1)(A), (a)(4)(B)(ii); Bowles v. Russell, 551 U.S. 205, 214 (2007).

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