

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 21-7133**

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RICKY JAMES SHEPARD, a/k/a Rickey James Shepard,

Petitioner - Appellant,

v.

WARDEN OF PERRY CORRECTIONAL INSTITUTION,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Florence.  
Mary G. Lewis, District Judge. (4:21-cv-00818-MGL)

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Submitted: October 29, 2021

Decided: December 6, 2021

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Before THACKER, RICHARDSON, and QUATTLEBAUM, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Ricky James Shepard, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ricky James Shepard seeks to appeal the district court's order dismissing as successive his 28 U.S.C. § 2254 petition. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended dismissing the petition as successive and advised Shepard that failure to file timely, specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. The district court denied the § 2254 petition as a successive petition for which Shepard had not obtained authorization from this Court to file.

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. *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017); *Wright v. Collins*, 766 F.2d 841, 846-47 (4th Cir. 1985); *see also Thomas v. Arn*, 474 U.S. 140, 154-55 (1985). Although Shepard received proper notice and filed objections to the magistrate judge's recommendation, he has waived appellate review because the objections only argued the merits of his claims, and were not specific to the particularized recommendations made by the magistrate judge that the petition was successive. 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*