

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-7383

HARRY N. CHARLES,

Petitioner - Appellant,

versus

SOUTH CAROLINA, STATE OF; FLORENCE COUNTY;
CECILIA REYNOLDS, Warden of Kershaw
Correctional Institution,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. David C. Norton, District Judge.
(2:07-cv-00573-DCN)

Submitted: January 15, 2008

Decided: February 6, 2008

Before MOTZ and KING, Circuit Judges, and WILKINS, Senior Circuit
Judge.

Dismissed by unpublished per curiam opinion.

Harry N. Charles, Appellant Pro Se. Donald John Zelenka, SOUTH
CAROLINA ATTORNEY GENERAL'S OFFICE, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Harry N. Charles seeks to appeal the district court's order accepting the recommendation of the magistrate judge and denying relief on his 28 U.S.C. § 2254 (2000) petition. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied and advised Charles that failure to timely file specific 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). Charles has waived appellate review of the magistrate judge's conclusion regarding the timeliness of his habeas corpus petition by failing to lodge that specific objection to the magistrate judge's recommendation after receiving proper notice of the consequences of the failure to object.

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