

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-8527

RAHSAAN D. IVEY,

Petitioner - Appellant,

v.

WARDEN, BROAD RIVER CORRECTIONAL INSTITUTION; HENRY
MCMASTER, Attorney General of the State of South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Margaret B. Seymour, District
Judge. (2:06-cv-02257-MBS)

Submitted: April 22, 2009

Decided: May 11, 2009

Before TRAXLER, KING, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rahsaan D. Ivey, Appellant Pro Se. Donald John Zelenka, Deputy
Attorney General, Derrick K. McFarland, OFFICE OF THE ATTORNEY
GENERAL OF SOUTH CAROLINA, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rahsaan D. Ivey 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 (2006) petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2006). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2006). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that any assessment of the constitutional claims by the district court is debatable or wrong and that any dispositive procedural ruling by the district court is likewise debatable. Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683-84 (4th Cir. 2001). We have independently reviewed the record and conclude that Ivey has not made the requisite showing as to the first two issues raised in his informal brief.

Concerning the third and fourth issues raised in Ivey's informal brief, the magistrate judge recommended that relief be denied as to these issues and advised Ivey that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the

recommendation. Despite this warning, Ivey failed to object to the magistrate judge's recommended disposition of these issues.

"[T]o preserve for appeal an issue in a magistrate judge's report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true grounds for the objection." United States v. Midgett, 478 F.3d 616, 622 (4th Cir. 2007). Ivey has waived appellate review of these issues by failing to timely file specific objections after receiving proper notice of the need to do so.

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