UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-7047

JAMES HARDIN,

Petitioner - Appellant,

v.

LEROY CARTLEDGE, Acting Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Patrick Michael Duffy, Senior District Judge. (3:08-cv-02334-PMD)

Submitted: February 28, 2011   Decided: March 8, 2011

Before TRAXLER, Chief Judge, and KING and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Hardin, Appellant Pro Se. James Anthony Mabry, Assistant Attorney General, Donald John Zelenka, Deputy Assistant Attorney General, Columbia, South Carolina, for Appellee.

PER CURIAM:

James Hardin seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2006) petition, and its subsequent order denying his motion to vacate judgment and for leave to file objections. The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2010). The magistrate judge recommended that relief be denied and advised Hardin that failure to file timely, 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). Hardin has waived appellate review by failing to file objections after receiving proper notice and receiving an extension of time to file objections. 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.

<div align="right">DISMISSED</div>