

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-7175

GARRIS E. AMERSON,

Petitioner - Appellant,

v.

WARDEN STEVENSON, Broad River Correctional Institution,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Florence. David C. Norton, District Judge. (4:11-cv-03266-DCN)

Submitted: November 30, 2012

Decided: January 9, 2013

Before NIEMEYER, DIAZ, and FLOYD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Garris E. Amerson, Appellant Pro Se. Donald John Zelenka, Deputy Assistant Attorney General, Alphonso Simon, Jr., Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Garris E. Amerson seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2006) petition.¹ The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2006). The magistrate judge recommended that relief be denied and advised Amerson 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, Amerson failed to timely object to the magistrate judge's recommendation.²

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). Amerson has waived appellate review by failing to timely file

¹ To the extent that Amerson also seeks to appeal the district court's denial of his motion for reconsideration, we conclude that Amerson failed to note his appeal as required by Fed. R. App. P. 3.

² Amerson's informal brief fails to argue that his objections were timely. This court will address only issues properly raised in the informal brief. 4th Cir. R. 34(b).

specific objections after receiving proper notice. 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