

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6824

ENRIQUE MARTINEZ,

Petitioner - Appellant,

v.

WARDEN ATKINSON, Kenny,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Orangeburg. G. Ross Anderson, Jr., Senior District Judge. (5:13-cv-00559-GRA)

Submitted: September 24, 2013

Decided: September 27, 2013

Before NIEMEYER and THACKER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Enrique Martinez, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Enrique Martinez appeals the district court's orders accepting the recommendation of the magistrate judge and denying relief on Martinez's 28 U.S.C. § 2241 (2006) petition and his Fed. R. Civ. P. 59(e) motion. We have reviewed the record and find no reversible error. The district court referred this case to a magistrate judge pursuant to 28 U.S.C.A. § 636(b)(1)(B) (West 2006 & Supp. 2013). The magistrate judge recommended that relief be denied and advised Martinez that failure to file timely, specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Martinez only filed non-specific objections and failed to file specific objections to the magistrate judge's 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). Martinez has waived appellate review of his claims by failing to file specific objections after receiving proper notice.

Accordingly, we affirm the judgment of the district court. 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.

AFFIRMED