

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-7194

DWIGHT G. SIMPKINS,

Petitioner - Appellant,

v.

HAROLD W. CLARKE, Director of the Virginia Department of
Corrections,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Rebecca Beach Smith, Chief
District Judge. (2:13-cv-00610-RBS-LRL)

Submitted: December 18, 2014

Decided: December 23, 2014

Before SHEDD, WYNN, and THACKER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Dwight G. Simpkins, Appellant Pro Se. Steven Andrew Witmer,
Senior Assistant Attorney General, Richmond, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dwight G. Simpkins seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition, and he has filed an application to proceed in forma pauperis, as well as a motion for a transcript at government expense. The district court referred this case to a magistrate judge, pursuant to 28 U.S.C. § 636(b)(1)(B)-(C) (2012). The magistrate judge recommended that the petition be dismissed as untimely and advised Simpkins that the failure to file timely specific objections to this recommendation would 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. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315-16 (4th Cir. 2005); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Simpkins has waived appellate review by failing to file specific and relevant objections after receiving proper notice.* Accordingly, we deny Simpkins'

* In addition, Simpkins' informal brief merely restates his habeas claims and does not address the district court's dispositive procedural rulings. Thus, Simpkins has also forfeited appellate review of the dispositive rulings. See 4th Cir. R. 34(b) (limiting review to the issues raised in the (Continued)

application for in forma pauperis status and his motion for transcript at government expense, 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

informal brief); Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999) (holding that failure to raise issue in opening brief constitutes abandonment of that issue).