UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6711

R. JAMES MILLER, JR.,

Petitioner – Appellant,

v.

NENA WALKER-STALEY, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Aiken. R. Bryan Harwell, District Judge. (1:15-cv-01959-RBH)

Submitted: October 11, 2016 Decided: October 24, 2016

Before WILKINSON, MOTZ, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert James Miller, Jr., Appellant Pro Se. James Anthony Mabrey, Assistant Attorney General, Donald John Zelenka, Senior Assistant Attorney General, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert James Miller, Jr., seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012). The magistrate judge recommended that relief be denied and advised that failure to file timely 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). Miller has waived appellate review by failing to file objections after being provided proper notice at his address of record. 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