UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-6859

CHAS LAMOUS SMITH,

       Petitioner - Appellant,

    v.

BRYAN P. STIRLING, Director, SC Department of Corrections;
CECILIA REYNOLDS, Warden, Lee Correctional Institution;
SOUTH CAROLINA, STATE OF,

       Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Henry M. Herlong, Jr., Senior
District Judge. (2:15-cv-02533-HMH)

Submitted: December 15, 2016   Decided: December 19, 2016

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert L. Sirianni, Jr., BROWNSTONE, P.A., Winter Park, Florida,
for Appellant. Alphonso Simon, Jr., Assistant Attorney General,
Donald John Zelenka, Senior Assistant Attorney General,
Columbia, South Carolina, for Appellees.

PER CURIAM:

Chas Lamous Smith 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 Smith 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). Smith has waived appellate review by failing to file 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

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