

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7147

YESENIA CORTEZ RAMIREZ,

Petitioner - Appellant,

v.

WARDEN ANGELA RAWSKI,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Mary G. Lewis, District Judge. (0:15-cv-04631-MGL)

Submitted: December 15, 2016

Decided: December 20, 2016

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Yesenia Cortez Ramirez, Appellant Pro Se. Donald John Zelenka, Senior Assistant Attorney General, Caroline M. Scrantom, OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Yesenia Cortez Ramirez seeks to appeal the district court's order denying relief on her 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 Ramirez that failure to file timely, specific 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). Ramirez has waived appellate review of her claims of ineffective assistance of counsel and actual innocence by failing to file specific objections after receiving proper notice. To the extent Ramirez filed specific objections to the magistrate judge's statement that the court would not consider filings Ramirez had not signed, we conclude that Ramirez fails to make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2012); see Slack v. McDaniel, 529 U.S. 473, 484-85 (2000).

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