UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 16-7294

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RODETRICK LAMONT GODFREY,

                    Petitioner - Appellant,

        v.

DIRECTOR OF DEPT OF CORRECTIONS,

                    Respondent - Appellee.

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Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Arenda L. Wright Allen,
District Judge. (2:12-cv-00093-AWA-RJK)

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Submitted: December 20, 2016   Decided: December 22, 2016

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Before GREGORY, Chief Judge, and WYNN and FLOYD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Rodetrick Lamont Godfrey, Appellant Pro Se. Alice Theresa
Armstrong, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond,
Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rodetrick Lamont Godfrey seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition and his motion for relief from judgment under Fed. R. Civ. P. 60(b). 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 Godfrey 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). Godfrey has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny leave to proceed in forma pauperis, 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.

<div align="right">DISMISSED</div>