

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-7614

ROBERT ALLEN WILKINS,

Petitioner - Appellant,

v.

COMMONWEALTH OF VIRGINIA,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at
Richmond. Henry E. Hudson, District Judge. (3:17-cv-00142-HEH-RCY)

Submitted: April 30, 2018

Decided: May 8, 2018

Before GREGORY, Chief Judge, and TRAXLER, and AGEE, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert Allen Wilkins, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Robert Allen Wilkins 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 Wilkins that failure to file timely, specific objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Although Wilkins filed timely objections to the magistrate judge's recommendation, the district court determined that the objections were nonspecific and tantamount to filing no objections at all, and thus did not conduct a de novo review of 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). To qualify as specific, a party's objections to a magistrate judge's recommendations must "reasonably . . . alert the district court of the true ground for the objection." *United States v. Midgette*, 478 F.3d 616, 622 (4th Cir. 2007); *see also United States v. Benton*, 523 F.3d 424, 428 (4th Cir. 2008) (same). Wilkins 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 deny leave to proceed in forma pauperis and 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