

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 18-6799

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARVIN SPRY,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia,
at Charleston. John T. Copenhaver, Jr., District Judge. (2:01-cr-00011-1; 2:16-cv-
05852)

Submitted: October 23, 2018

Decided: November 5, 2018

Before KING, KEENAN, and HARRIS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Marvin Spry, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marvin Spry seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. 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 dismissing Spry's motion as untimely and advised Spry that the 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). Spry has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, 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