

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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**No. 19-7617**

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KEVIN T. HARDY,

Petitioner - Appellant,

v.

BRYAN P. STIRLING,

Respondent - Appellee.

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Appeal from the United States District Court for the District of South Carolina, at Orangeburg. J. Michelle Childs, District Judge. (5:17-cv-00306-JMC)

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Submitted: January 19, 2021

Decided: January 21, 2021

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Before AGEE, WYNN, and DIAZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Kevin T. Hardy, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin T. Hardy seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 petition. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended that relief be denied and advised Hardy 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. *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017); *Wright v. Collins*, 766 F.2d 841, 846-47 (4th Cir. 1985); see also *Thomas v. Arn*, 474 U.S. 140, 154-55 (1985). Although Hardy received proper notice and timely objected to the magistrate judge's recommendation, he has waived appellate review of his racial-profiling-based claim of ineffective assistance of trial counsel—the only claim raised on appeal—because the objections were not specific to the particularized legal recommendations made by the magistrate judge on that claim.\* See *Martin*, 858 F.3d at 245 (holding that, “to preserve for appeal an issue in a magistrate judge's report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection” (internal quotation marks omitted)).

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\* By failing to raise the remaining grounds in his informal brief, Hardy has forfeited appellate review of those issues. See 4th Cir. R. 34(b).

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*