

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-8074**

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ODALIS HARRIS,

Petitioner - Appellant,

versus

S. K. YOUNG, Warden, WRSP,

Respondent - Appellee.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, District Judge. (CA-01-392)

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Submitted: February 14, 2002

Decided: February 27, 2002

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Before WIDENER, LUTTIG, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Odalis Harris, Appellant Pro Se. Robert H. Anderson, III, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Odalis Harris seeks to appeal the district court's order dismissing his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2001). Harris' case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Harris that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the recommendation. Despite this warning, Harris failed to object to the magistrate judge's 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 that failure to object will waive appellate review. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985); Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Harris has waived appellate review by failing to file specific objections to the magistrate judge's proposed findings after receiving proper notice. We accordingly 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 the court and argument would not aid the decisional process.

DISMISSED