

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 02-7848**

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THOMAS HARLEY,

Petitioner - Appellant,

versus

CHARLES CONDON, Attorney General of the State  
of South Carolina; STATE OF SOUTH CAROLINA,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Columbia. Terry L. Wooten, District Judge. (CA-  
02-1341)

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Submitted: January 30, 2003

Decided: February 5, 2003

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Before WIDENER, NIEMEYER, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Thomas Harley, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Thomas Harley seeks to appeal the district court's order dismissing his petition filed under 28 U.S.C. § 2254 (2000). The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2000). The magistrate judge recommended that relief be denied and advised Harley 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, Harley 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). Harley has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny a certificate of appealability and dismiss the appeal. We also deny Harley's motion asking the court to consider documents as an amended complaint.

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