

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6585

MALIK ABDUL AL-SHABAZZ, a/k/a Willie L.
Furtick,

Petitioner - Appellant,

versus

GARY D. MAYNARD, Director of SCDC; RICKIE
HARRISON, Warden of Kershaw Correctional
Institution; CHARLES MOLONY CONDON, Attorney
General of the State of South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Terry L. Wooten, District Judge.
(CA-01-3985-4-25BH)

Submitted: June 12, 2003

Decided: June 20, 2003

Before WIDENER, LUTTIG, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Malik Abdul Al-Shabazz, Appellant Pro Se. Donald John Zelenka,
Chief Deputy Attorney General, William Edgar Salter, III, OFFICE OF
THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina,
for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Malik Abdul Al-Shabazz 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 Al-Shabazz 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, Al-Shabazz 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). Al-Shabazz 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 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