

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6672

CURTIS DALE RICHARDSON,

Petitioner - Appellant,

versus

WILLIE EAGLETON, Warden, Evans Correctional
Institution; CHARLES M. CONDON, Attorney
General, State of South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Florence. Patrick Michael Duffy, District
Judge. (CA-02-401-23)

Submitted: June 10, 2004

Decided: June 21, 2004

Before WILLIAMS and TRAXLER, Circuit Judges, HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Curtis Dale Richardson, Appellant Pro Se. Samuel Creighton Waters,
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Unpublished opinions are not binding precedent in this circuit.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:

Curtis Dale Richardson 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 Richardson 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, and the district court's order granting Richardson an extension of time, Richardson failed to file timely objections 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). Richardson 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