

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7141**

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LARRY B. NELSON,

Petitioner - Appellant,

versus

GARY MAYNARD, Director of the South Carolina  
Department of Corrections; CHARLES CONDON,  
Attorney General for the 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. Henry F. Floyd, District Judge. (CA-  
02-2487)

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Submitted: December 16, 2004

Decided: December 21, 2004

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Before MICHAEL, KING, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Larry B. Nelson, Appellant Pro Se. Samuel Creighton Waters, OFFICE  
OF THE ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South  
Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Larry B. Nelson seeks to appeal the district court's order accepting a magistrate judge's recommendation to grant Respondents' motion for summary judgment on his petition filed under 28 U.S.C. § 2254 (2000). An appeal may not be taken from the final order in a habeas corpus proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 338 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Nelson has not made the requisite showing.\* Accordingly, we deny a certificate of appealability and dismiss this appeal. We dispense with oral argument because the

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\*We find that Nelson has waived appellate review of his claims by failing to lodge specific objections to the magistrate judge's recommendation after receiving proper notice of the consequences of the failure to object. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). To the extent that Nelson attempts to raise issues in his informal brief that were not properly presented to the district court, we note that he cannot raise them for the first time on appeal. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993).

facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED