

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-6857**

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FRAZIER T. WILLIAMS,

Petitioner - Appellant,

versus

RICHARD BAZZLE, Warden, Perry Correctional  
Institution; HENRY DARGAN MCMASTER, Attorney  
General for South Carolina,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Charleston. G. Ross Anderson, Jr., District  
Judge. (CA-04-21930-2-GRA)

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Submitted: October 21, 2005

Decided: November 2, 2005

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Before NIEMEYER, WILLIAMS, and GREGORY, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Frazier T. Williams, Appellant Pro Se. Donald John Zelenka, Chief  
Deputy Attorney General, John William McIntosh, Assistant Attorney  
General, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Frazier T. Williams seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2000) petition. 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 Williams 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, Williams 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. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Williams has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny leave to proceed in forma pauperis, deny a certificate of appealability, and dismiss the appeal.\*

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\*We also find that Williams has failed to demonstrate any error in the district court's finding that his § 2254 petition is untimely, which independently precludes issuance of a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001).

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