UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7788

CHARLES B. CANNON,

Petitioner - Appellant,

versus

E. RICHARD BAZZLE, Warden of Perry Correctional Institution; HENRY MCMASTER, Attorney General for South Carolina,

Respondents - Appellees.

No. 05-7835

CHARLES B. CANNON,

Petitioner - Appellant,

versus

E. RICHARD BAZZLE, Warden of Perry Correctional Institution; HENRY MCMASTER, Attorney General for South Carolina,

Respondents - Appellees.

Appeals from the United States District Court for the District of South Carolina, at Beaufort. G. Ross Anderson, Jr., District Judge. (CA-05-753-9)

Submitted: January 19, 2006 Decided: January 26, 2006

Before WILKINSON, TRAXLER, and SHEDD, Circuit Judges.

No. 05-7788, dismissed; No. 05-7835, affirmed by unpublished per curiam opinion.

Charles B. Cannon, Appellant Pro Se. 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Unpublished opinions are not binding precedent in this circuit.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:

These consolidated appeals are before the court for disposition. In No. 05-7788, Charles B. Cannon seeks to appeal the district court's order of October 17, 2005 denying Cannon's motion for an extension of time to file objections to the magistrate judge's recommendation. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Cannon seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss that appeal for lack of jurisdiction.

In No. 05-7835, Cannon appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on 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 Cannon 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, Cannon 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). Cannon has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we affirm the judgment of the district court.

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.

No. 05-7788 - DISMISSED
No. 05-7835 - AFFIRMED