

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7013

REGINALD A. DICKS, a/k/a Reginald Dicks,

Petitioner - Appellant,

versus

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS;
ARENDA THOMAS, Captain at Lee Correctional
Institution; NFN NESSMAN, Captain at Lee
Correctional Institution; CALVIN ANTHONY,
Warden of Lee Correctional Institution; HENRY
MCMASTER, Attorney General of South Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. Henry F. Floyd, District Judge.
(9:06-cv-00663-HFF)

Submitted: August 31, 2006

Decided: September 8, 2006

Before MICHAEL, MOTZ, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Reginald A. Dicks, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Reginald A. Dicks seeks to appeal the district court's order dismissing without prejudice his petition filed under 28 U.S.C. § 2241 (2000), for failure to exhaust administrative remedies. 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 Dicks 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, Dicks failed to object to the ground on which the magistrate judge based his 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 of the consequences of noncompliance. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985); see also Thomas v. Arn, 474 U.S. 140 (1985). Dicks has waived appellate review by failing to specifically object to the magistrate judge's finding of failure to exhaust administrative remedies 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