

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 10-6097**

---

EBONY DASCHION BASKERVILLE,

Petitioner - Appellant,

v.

GENE M. JOHNSON, Director of the Virginia Department of  
Corrections,

Respondent - Appellee.

---

Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Rebecca Beach Smith, District  
Judge. (2:09-cv-00176-RBS-JEB)

---

Submitted: March 30, 2010

Decided: April 9, 2010

---

Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Ebony Daschion Baskerville, Appellant Pro Se. Erin M. Kulpa,  
OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia,  
for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ebony Baskerville seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2006) petition. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2006). The magistrate judge recommended that relief be denied and advised Baskerville 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, Baskerville 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 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). Baskerville has waived appellate review by failing to timely file specific 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