

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-7281

EMILIO BAUTISTA-SERRANO,

Petitioner - Appellant,

v.

MARY MITCHELL, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Greenville. R. Bryan Harwell, District Judge. (6:11-cv-01351-RBH)

Submitted: February 9, 2012

Decided: February 14, 2012

Before WILKINSON, AGEE, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Emilio Bautista-Serrano, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Emilio Bautista-Serrano appeals the district court's order denying relief on his 28 U.S.C.A. § 2241 (West 2006 & Supp. 2011) 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 Bautista-Serrano that failure to file timely objections to this recommendation could waive appellate review of a district court order based upon the 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). Bautista-Serrano has waived appellate review by failing to timely 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.

AFFIRMED