

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-6048

SHIRLEY ANN EDWARDS,

Petitioner - Appellant,

v.

WARDEN LEATH CORRECTIONAL INSTITUTION,

Respondent - Appellee,

and

SUPERINTENDENT OF LEATH CORRECTIONAL INSTITUTION; STATE OF
SOUTH CAROLINA,

Respondents.

Appeal from the United States District Court for the District of
South Carolina, at Aiken. Richard M. Gergel, District Judge.
(1:13-cv-01232-RMG)

Submitted: April 17, 2014

Decided: April 22, 2014

Before WILKINSON, KING, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Shirley Ann Edwards, Appellant Pro Se. Alphonso Simon, Jr.,
Assistant Attorney General, Donald John Zelenka, Senior
Assistant Attorney General, Columbia, South Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shirley Ann Edwards seeks to appeal the district court's order dismissing her 28 U.S.C. § 2254 (2012) petition and has filed a motion to proceed in forma pauperis. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012). The magistrate judge recommended that the petition be dismissed as untimely and advised Edwards that failure to file timely specific objections to this recommendation would 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). Edwards has waived appellate review by failing to file objections after receiving proper notice. Accordingly, we deny Edwards' application to proceed in forma pauperis, 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 this court and argument would not aid the decisional process.

DISMISSED