

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-7452

SHERMAN DEWALT,

Petitioner - Appellant,

v.

WARDEN LEROY CARTLEDGE,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Aiken. Mary G. Lewis, District Judge. (1:14-cv-02335-MGL)

Submitted: March 16, 2016

Decided: April 8, 2016

Before DUNCAN and HARRIS, Circuit Judges, and DAVIS, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

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

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sherman Dewalt seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 (2012) petition. 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 relief be denied and advised Dewalt that failure to file timely, specific 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). Moreover, an appellant may not "preserve arguments merely by incorporating them by reference in a few sentences in his brief." McCarver v. Lee, 221 F.3d 583, 588 n.1 (4th Cir. 2000). Dewalt has waived appellate review by failing to specifically object to the magistrate judge's findings on the issues he asserts on appeal 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 this court and argument would not aid the decisional process.

DISMISSED