

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 16-6513**

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NATHAN CHAMBLISS,

Petitioner - Appellant,

v.

HAROLD W. CLARKE, Director, Virginia Department of  
Corrections,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Norfolk. Arenda L. Wright Allen,  
District Judge. (2:15-cv-00092-AWA-RJK)

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Submitted: October 14, 2016

Decided: October 25, 2016

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Before NIEMEYER, TRAXLER, and WYNN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Nathan Chambliss, Appellant Pro Se. John Watkins Blanton,  
OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nathan Chambliss seeks to appeal the district court's orders denying relief on his 28 U.S.C. § 2254 (2012) petition and denying his Fed. R. Civ. P. 59(e) motion. The district court referred the § 2254 petition to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (2012). The magistrate judge recommended that the petition be denied and dismissed with prejudice based on unexcused procedural default and advised Chambliss that the failure to file objections to its findings and recommendation in a timely fashion would result in waiver of appellate review of a district court order based on such findings and recommendation. Chambliss filed an objection to the magistrate judge's recommendation, and the district court overruled the objection, adopted the magistrate judge's recommendation, granted Respondent's motion to dismiss, and denied and dismissed the § 2254 petition.

The district court's orders denying § 2254 relief and denying the Rule 59(e) motion are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A) (2012). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2012). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that

reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000); see Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. Slack, 529 U.S. at 484-85.

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. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315-16 (4th Cir. 2005); Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997); Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). Chambliss has waived appellate review of the district court's order denying and dismissing his § 2254 petition on the basis of unexcused procedural default.

Turning to the district court's denial of the Rule 59(e) motion, we have independently reviewed the record and conclude that Chambliss has not made the requisite showing warranting the issuance of a certificate of appealability. Accordingly, we deny a certificate of appealability, deny leave to proceed in forma pauperis, 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