

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-7660

DENNIS J. COLEMAN,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; PHOEBE JOHNSON, War-
den, Perry Correctional Institution; ATTORNEY
GENERAL OF THE STATE OF SOUTH CAROLINA,

Respondents - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Columbia. Henry M. Herlong, Jr., District
Judge. (CA-96-9-3-20BC)

Submitted: January 9, 1997

Decided: January 24, 1997

Before HALL and MICHAEL, Circuit Judges, and PHILLIPS, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Dennis J. Coleman, Appellant Pro Se. Lauri J. Soles, OFFICE OF THE
ATTORNEY GENERAL OF SOUTH CAROLINA, Columbia, South Carolina, for
Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Appellant seeks to appeal the district court's order dismissing his petition filed under 28 U.S.C. § 2254 (1994), amended by Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214. Appellant's case was referred to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) (1994). The magistrate judge recommended that relief be denied and advised Appellant 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, Appellant only filed objections to the dismissal of his claim of ineffective assistance of counsel.

The timely filing of 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 that failure to object will waive appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Therefore, Appellant has waived appellate review of all claims not raised in his objections.

Regarding Appellant's claim of ineffective assistance of counsel, we have reviewed the record and the district court's opinion adopting the recommendation of the magistrate judge and find no reversible error. We accordingly deny a certificate of appealability and dismiss this claim on the reasoning of the district court. Coleman v. South Carolina, No. CA-96-9-3-20BC (D.S.C. Sept. 30, 1996). 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