

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-6803**

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ALPHONSO MARTIN, JR.,

Petitioner - Appellant,

versus

RALPH S. BEARDSLEY, Warden; CHARLES M. CONDON,  
Attorney General of the State of South Caro-  
lina,

Respondents - Appellees.

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Appeal from the United States District Court for the District of  
South Carolina, at Greenville. Cameron McGowan Currie, District  
Judge. (CA-96-2342-6-22AK)

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Submitted: February 10, 1998

Decided: April 20, 1998

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Before WILKINS, WILLIAMS, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Alphonso Martin, Jr., Appellant Pro Se. Donald John Zelenka, Chief  
Deputy Attorney General, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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 denying relief on his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1997). We have reviewed the record and the district court's opinion accepting the recommendation of the magistrate judge on Appellant's claims of ineffective assistance of counsel for failing to introduce evidence and failing to advise Appellant of his right to appeal and find no reversible error. Accordingly, we deny a certificate of appealability and dismiss the appeal on the reasoning of the district court as to those claims. See Martin v. Beardsley, No. CA-96-2342-6-22AK (D.S.C. May 20, 1997).

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 failed to object to the magistrate judge's recommendation denying his claims that: (1) counsel was ineffective for failing to suppress his statement to the police; (2) the prosecutor withheld evidence from the grand jury; and (3) the district court submitted an improper jury instruction on self defense.

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. See Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). See generally Thomas v. Arn, 474 U.S. 140 (1985). Appellant has waived appellate review

of the above claims by failing to file specific objections after receiving proper notice. 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