

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-7026**

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CHRISTOPHER A. ODOM,

Petitioner - Appellant,

versus

STATE OF SOUTH CAROLINA; 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 Columbia. Patrick Michael Duffy, District Judge.  
(CA-99-1616-23BC)

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Submitted: October 7, 1999

Decided: October 14, 1999

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Before MURNAGHAN, LUTTIG, and MOTZ, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Christopher A. Odom, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Christopher A. Odom seeks to appeal the district court's order dismissing without prejudice his petition filed under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1999) for failure to exhaust state remedies. Odom'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 Odom 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, Odom failed to object to the magistrate judge's recommendation.

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 also Thomas v. Arn, 474 U.S. 140 (1985). Odom has waived appellate review by failing to file objections after receiving proper notice. We accordingly deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal

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\* Odom does not dispute the district court's findings that he was advised he must note his objections to the magistrate judge's report within ten days and of the consequences of his failure to do so.

contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED