

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-6354

ERIC SAMUEL,

Petitioner - Appellant,

v.

CHARLES WILLIAMS,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Aiken.
Timothy M. Cain, District Judge. (1:20-cv-02601-TMC)

Submitted: July 20, 2021

Decided: July 23, 2021

Before WILKINSON, AGEE, and DIAZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Eric Samuel, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eric Samuel, a South Carolina prisoner, seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing Samuel's 28 U.S.C. § 2254 petition. The district court referred this case to a magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommended that relief be denied and advised Samuel that failure to file timely, specific objections to this recommendation would waive appellate review of a district court order based on the recommendation. Samuel filed no objections, despite the district court extending the period for him to do so.

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. *Martin v. Duffy*, 858 F.3d 239, 245 (4th Cir. 2017); *Wright v. Collins*, 766 F.2d 841, 846-47 (4th Cir. 1985); *see also Thomas v. Arn*, 474 U.S. 140, 154-55 (1985). Samuel has waived appellate review by failing to file objections to the magistrate judge's recommendation 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

* Upon review, we discern no abuse of discretion in the court's denial of Samuel's second request for an extension of time to file objections.