UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 26-6143

JORDAN MENDOZA GUEVARA,

Petitioner - Appellant,

v.

MICHAEL PARSONS; JEFF JACKSON, The Attorney General of the State of North Carolina,

Respondents - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:24-cv-00713-WO-LPA)

Submitted: August 27, 2026 Decided: September 1, 2026

Before KING, HEYTENS, and BENJAMIN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Jordan Mendoza Guevara, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jordan Mendoza Guevara seeks to appeal the district court's orders denying as untimely his 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 Guevara's § 2254 petition be dismissed as untimely and advised Guevara that failure to file timely objections to the recommendation could waive appellate review of a district court order based upon the recommendation. The district court adopted the magistrate judge's recommendation after Guevara failed to file objections with the court.

The district court's order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A). 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). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists could find the district court's assessment of the constitutional claims debatable or wrong. *See Buck v. Davis*, 137 S. Ct. 759, 773-74 (2017). 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. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We first conclude Guevara has forfeited this court's review of the appealed order by failing to challenge the district court's dispositive rationale in his informal brief. *See* 4th Cir. R. 34(b); *Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014). Moreover, it is well-established that 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. *See Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985); *see also Thomas v. Arn*, 474 U.S. 140 (1985). We thus further conclude that Guevara waived appellate review of the district court's dismissal of his § 2254 petition by failing to file objections to the magistrate judge's recommendation to dismiss the petition. *See Wright*, 766 F.2d at 845-46 (recognizing that magistrate judge's notice that the "'failure to file timely objections to the findings and recommendations . . . may result in waiver of right to appeal from a judgment of this court based on such findings and recommendations'" constituted "fair warning of the possible consequences of the failure to object timely" and "that . . . the prisoner's failure to object deprived him of his right of appeal").

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