

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-6090

CHRISTOPHER L. HAMPTON,

Petitioner - Appellant,

v.

KENNETH NELSON, Warden,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Aiken.
Mary G. Lewis, District Judge. (1:21-cv-01377-MGL)

Submitted: May 31, 2023

Decided: August 31, 2023

Before QUATTLEBAUM, RUSHING, and HEYTENS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Christopher L. Hampton, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Christopher Hampton seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2254 petition. The district court denied relief after adopting the magistrate judge's recommendation and granting Respondent's motion for summary judgment. The court determined that Hampton's timely filed objections to the magistrate judge's report and recommendation were nonspecific, and therefore the court did not conduct a de novo review of Hampton's objections. *See United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (requiring de novo review of portions of the report to which specific objections are made). However, our review of Hampton's objections shows that they were specific enough to warrant de novo review by the district court. *See Osmon v. United States*, 66 F.4th 144, 146 (4th Cir. 2023) (“[A] party wishing to avail itself of its right to de novo review must be sufficiently specific to focus the district court’s attention on the factual and legal issues that are truly in dispute.” (internal quotation marks omitted)); *Elijah v. Dunbar*, 66 F.4th 454, 461 (4th Cir. 2023) (“[A]n objection which merely restate[s] . . . the claims [is] sufficiently specific because it alert[s] the district court that the litigant believed the magistrate judge erred in recommending dismissal of those claims.” (cleaned up)).

Because the district court did not conduct a de novo review, we grant Hampton's motion for a certificate of appealability, vacate the district court's order, and remand for further proceedings. *See Elijah*, 66 F.4th at 461; *De Leon-Ramirez*, 925 F.3d at 181 (“As the court of appeals, . . . we generally don't reach factual or legal questions in a magistrate judge's report that were not first subject to de novo review by the district court.”). We

deny Hampton's motions to amend the caption and to appoint counsel. 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.

VACATED AND REMANDED