

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

ROBERT JOHN SCHIEBLE, JR.,
Plaintiff-Appellant,

v.

STATE OF SOUTH CAROLINA;
EMPLOYMENT SECURITY COMMISSION;
DORCHESTER COUNTY JUDICIARY
COMMISSION; DORCHESTER COUNTY
SHERIFF'S DEPARTMENT,
Defendants-Appellees.

No. 00-2476

Appeal from the United States District Court
for the District of South Carolina, at Charleston.
David C. Norton, District Judge.
(CA-00-2930-2-18RB)

Submitted: March 6, 2001

Decided: April 16, 2001

Before WILKINS and GREGORY, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Robert John Schieble, Jr., Appellant Pro Se. Harold Williams Funderburk, Jr., SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION, Columbia, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Robert John Schieble, Jr., appeals from the district court's order dismissing without prejudice his civil action. The district court dismissed the action upon the recommendation of the magistrate judge. Although we vacate the district court's order and remand for further proceedings, we express no opinion regarding the merits of this action.

Under 28 U.S.C. § 636(b)(1) (1994), the district court is obligated to review de novo those portions of the magistrate judge's report to which objections are filed. *United States v. Schronce*, 727 F.2d 91, 93 (4th Cir. 1984). The district court's order, however, does not state that it conducted a review of the record as to those objections or made a decision on the disputed issues de novo. Because Schieble made timely objections to the magistrate judge's factual findings, the district court's error was not harmless. *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Accordingly, we vacate the district court's order and remand the matter for the district court to conduct de novo review and issue a decision, or state that it conducted such review before rendering its previous decision. We deny Schieble's motion for general relief. 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.

VACATED AND REMANDED