

UNPUBLISHED  
**UNITED STATES COURT OF APPEALS**  
FOR THE FOURTH CIRCUIT

CARNIE NORRIS,  
*Petitioner-Appellant,*

v.

STATE OF SOUTH CAROLINA; PHILLIP  
McCLOUD, Warden of Perry  
Correctional Institution; CHARLES M.  
CONDON, Attorney General of the  
State of South Carolina,  
*Respondents-Appellees.*

No. 01-6647

Appeal from the United States District Court  
for the District of South Carolina, at Charleston.  
David C. Norton, District Judge.  
(CA-00-2333-2-18)

Submitted: August 28, 2001

Decided: September 11, 2001

Before MICHAEL and MOTZ, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Vacated and remanded by unpublished per curiam opinion.

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**COUNSEL**

Carnie Norris, Appellant Pro Se. Donald John Zelenka, Chief Deputy Attorney General, Jeffrey Alan Jacobs, OFFICE OF THE ATTORNEY GENERAL, Columbia, South Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

#### PER CURIAM:

Carnie Norris, a South Carolina state inmate, appeals the district court's order adopting the recommendation of the magistrate judge and awarding summary judgment to the Appellees on his 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000) petition.

The district court is obligated to conduct a de novo review of every portion of the magistrate judge's report to which objections have been filed. 28 U.S.C.A. § 636(b)(1) (West 1993 & Supp. 2000); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). However, the district court need not conduct de novo review when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations. *Orpiano v. Johnson*, 687 F.2d 44, 4748 (4th Cir. 1982).

Although Norris requested an enlargement of time to file objections to the magistrate judge's report, a request granted by the district court, he filed objections within the time permitted by a notice that accompanied the magistrate judge's report. Nevertheless, the district court's order adopting the magistrate judge's report focuses primarily on the consequences of a party's failure to timely file objections. The order does not state whether the court was aware that Norris filed timely objections or that the court had conducted a de novo review of any matter to which Norris specifically objected. On the present record, then, it is unclear whether Norris' objections were considered. Therefore, without expressing any view as to the merits, we grant a certificate of appealability, vacate the district court's order, and remand this case for further proceedings consistent with this opinion.

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*