

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-1858**

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SAMUEL K. JACOBS; NANCY HECKERMAN,

Plaintiffs - Appellants,

versus

YU FAN; YELIN SHI,

Defendants - Appellees.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (CA-04-1379-1)

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Submitted: November 28, 2005

Decided: January 4, 2006

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Before WILKINSON, MOTZ, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Samuel K. Jacobs; Nancy Heckerman, Appellants Pro Se. Sidney Stafford Friedman, WEINSTOCK, FRIEDMAN & FRIEDMAN, P.A., Baltimore, Maryland, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Samuel K. Jacobs and Nancy Heckerman ("Appellants") appeal the district court's judgment granting the Appellees' motion to dismiss and entering a judgment in the Appellees' favor on their breach of contract claim and granting the Appellees' motion for sanctions. We have reviewed the record and affirm. Insofar as the Appellants challenge the order denying their motion for a continuance and the order compelling discovery, the orders are not reviewable. See Fed. R. Civ. P. 72(a); Sunview Condominium Ass'n v. Flexel Intern., Ltd., 116 F.3d 962, 964-65 (1st Cir. 1997). With respect to the Appellants' claim they were denied their Seventh Amendment right to a jury trial, we find any error is harmless as their complaint was dismissed on the Appellees' motion to dismiss, obviating the need for a trial. Finally, there was no error in the district court's order referring the motion for a change of magistrate judge to the magistrate judge. See 28 U.S.C. § 144 (2000).

Accordingly, we affirm. 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.

AFFIRMED