

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-2121

SUSAN SMITH,

Plaintiff - Appellant,

versus

CITY OF MARION; BOBBY GERALD, individually and as Mayor; BOBBY DAVIS, individually and in his official capacity as a member of the City Council of Marion; JERRY MITCHELLE, individually and in his official capacity as a member of the City Council of Marion; MICHAEL BAKER, individually and in his official capacity as a member of the City Council of Marion; FRANK M. HART, individually and in his official capacity as a member of the City Council of Marion; RALPH ATKINSON, individually and in his official capacity as a member of the City Council of Marion; FRAIZER WALPOH, individually and in his official capacity as City of Marion Administrator; CLYDE JAMES, individually; JAMES EQUIPMENT WRECKER SERVICE; JOHN FINNEY, individually and in his capacity; RONALD ATKINSON,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge.
(CA-04-1327-4-TLW)

Submitted: June 15, 2006

Decided: June 19, 2006

Before KING, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Susan Smith, Appellant Pro Se. Douglas Charles Baxter, RICHARDSON, PLOWDEN, CARPENTER & ROBINSON, Myrtle Beach, South Carolina; Saunders McKenzie Bridges, Jr., AIKEN, BRIDGES, NUNN, ELLIOTT & TYLER, PA, Florence, South Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Susan Smith* appeals the district court's order accepting the recommendation of the magistrate judge and denying relief on her 42 U.S.C. § 1983 (2000) complaint. On appeal, Smith alleges that the district court improperly referred the action to the magistrate judge without the consent of the parties. We have reviewed the record and find no reversible error. The district court properly referred Defendants' motion for summary judgment to the magistrate judge under 28 U.S.C. § 636(b)(1)(B) (2000), and Smith filed objections to the magistrate judge's recommendation. See Orpiano v. Johnson, 687 F.2d 44, 46 (4th Cir. 1982) (noting that a district court may refer matters to a magistrate judge without the consent of the parties under § 636(b)). 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

*In the district court, the lead plaintiff was Derrick Smith; he is no longer a party on appeal.