

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-6201**

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CHARLES FRANKLIN HARGETT, JR.,

Plaintiff - Appellant,

versus

FORSYTH COUNTY SHERIFF'S OFFICE; J. W. BOLES,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. James A. Beaty, Jr.,  
District Judge. (CA-03-440-1)

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Submitted: June 23, 2005

Decided: June 29, 2005

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Before WIDENER, MICHAEL, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Charles Franklin Hargett, Jr., Appellant Pro Se. Allan R. Gitter,  
Bradley Owen Wood, WOMBLE, CARLYLE, SANDRIDGE & RICE, P.L.L.C.,  
Winston-Salem, North Carolina, for Appellees.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Franklin Hargett, Jr., appeals the magistrate judge's recommendation that his 42 U.S.C. § 1983 (2000) action be dismissed with prejudice. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The magistrate judge's recommendation is neither a final order nor an appealable interlocutory or collateral order. Where a dispositive matter is referred to the magistrate judge under 28 U.S.C.A. § 636(b) (West Supp. 2004), parties must have the opportunity to object, and the district court is required to conduct de novo review of the portions of the recommendation to which objections are made. United States v. Bryson, 981 F.2d 720, 723 (4th Cir. 1992). Accordingly, we dismiss the appeal for lack of jurisdiction. 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.

DISMISSED