

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-6492

JAMES MICHAEL GARREN,

Plaintiff - Appellant,

versus

CHRIS RAYMOND; UNKNOWN OFFICERS, Spartanburg
Sheriff's Office; CITIZEN,

Defendants - Appellees.

Appeal from the United States District Court for the District of
South Carolina, at Beaufort. David C. Norton, District Judge.
(9:07-cv-00408-DCN)

Submitted: July 27, 2007

Decided: October 3, 2007

Before MICHAEL, SHEDD, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Michael Garren, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Michael Garren appeals the district court's orders accepting the magistrate judge's report and recommendation and dismissing his civil complaint without prejudice. We have reviewed the record and find no reversible error.* Accordingly, we affirm for the reasons stated by the magistrate judge and adopted by the district court following de novo review that Garren's complaint was barred by Heck v. Humphrey, 512 U.S. 477 (1994). See Garren v. Raymond, No. 9:07-cv-00408-DCN (D.S.C. Mar. 9 and Mar. 19, 2007). 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

*Although the district court expressly stated it conducted a de novo review of the magistrate judge's report and recommendation, we conclude the district court incorrectly found Garren's objections to the report and recommendation were untimely. The magistrate judge issued his report on February 16, 2007, and under Fed. R. Civ. P. 6(a), (e), objections were due on March 8, 2007. Though the district court stamped Garren's objections as received on March 9, 2007, we find the objections should have been deemed timely filed on March 7, 2007, pursuant to Houston v. Lack, 487 U.S. 266 (1988). Because the district court nonetheless conducted a de novo review, we conclude this error was harmless.