

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 94-2567

TONY EUGENE BARNETT,

Plaintiff - Appellant,

versus

BURLINGTON INDUSTRIES, INC.,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. H. Brent McKnight, Magistrate Judge. (CA-94-128)

Submitted: December 12, 1995

Decided: January 5, 1996

Before HALL, HAMILTON, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tony Eugene Barnett, Appellant Pro Se. William Pinkney Herbert Cary, BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the magistrate judge's order granting Appellee summary judgment in this employment discrimination action. We have reviewed the record and the magistrate judge's opinion* and find no reversible error. Accordingly, we affirm on the reasoning of the magistrate judge. Barnett v. Burlington Indus., No. CA-94-128 (W.D.N.C. Oct. 26, 1994). 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

* The parties consented to the jurisdiction of the magistrate judge pursuant to 28 U.S.C.A. § 636(c)(1) (West 1993). Subsequent to issuance of the magistrate judge's final order and Barnett's appeal from that order, the district court issued an order dismissing Barnett's complaint under 28 U.S.C. § 1915(d) (1988). We, however, have jurisdiction only to review the order of the magistrate judge, because the parties did not consent to an appeal to the district court judge under 28 U.S.C.A. § 636(c)(4) (West 1993), and Barnett properly exercised his right to appeal directly to this court under § 636(c)(3).