

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

JERRY L. GENT,
Plaintiff-Appellant.

v.

No. 99-1431

RADFORD UNIVERSITY,
Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Virginia, at Charlottesville.
B. Waugh Crigler, Magistrate Judge.
(MISC-99-1)

Submitted: July 8, 1999

Decided: July 16, 1999

Before NIEMEYER, WILLIAMS, and KING, Circuit Judges.

Remanded by unpublished per curiam opinion.

Jerry L. Gent, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Jerry L. Gent appeals the magistrate judge's order denying his motion to proceed in forma pauperis and noting that the case would be dismissed with no further action of the court if Gent failed to pay the filing fee within fourteen days. The magistrate judge may only enter dispositive orders if the parties consent to the magistrate judge's jurisdiction pursuant to 28 U.S.C.A. § 636(c) (West 1993 & Supp. 1999). Because the parties did not consent to the magistrate judge's jurisdiction, proper review of the magistrate judge's order is in the district court. See 28 U.S.C.A. § 636(b). This court has no jurisdiction over the appeal. See *Tripati v. Rison*, 847 F.2d 548 (9th Cir. 1988); see also *Mendes Junior Int'l Co. v. M/V Sokai Maru*, 978 F.2d 920, 924 (5th Cir. 1992); *Silberstein v. Silberstein*, 859 F.2d 40, 41-42 (7th Cir. 1988). Accordingly, we remand this case to the district court for further proceedings consistent with this opinion. See 28 U.S.C. § 2106 (1994). We grant Gent's motion to proceed on appeal in forma pauperis. 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.

REMANDED