

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-1681

CHERYL A. DAVIDSON,

Plaintiff - Appellant,

versus

CITY OF GAFFNEY; JAMES TAYLOR; JOHN O'DONALD;
SLED; DARRELL BETSILL,

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Spartanburg. Henry M. Herlong, Jr., District Judge. (CA-04-928-20-BI)

Submitted: October 6, 2004

Decided: October 27, 2004

Before MICHAEL, SHEDD, and DUNCAN, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Cheryl A. Davidson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Cheryl A. Davidson filed an action in the district court alleging that she was wrongfully terminated from the Gaffney, South Carolina, Police Department after twenty-two years of service. Davidson also alleged false arrest, malicious prosecution, and defamation of character arising out of her arrest and prosecution for forgery, which was later dropped.

The magistrate judge issued a report and recommendation characterizing Davidson's claims as a wrongful termination action governed by state law and concluded that because both parties resided in South Carolina, the court was without jurisdiction. Accordingly, the magistrate judge recommended that the action be dismissed without prejudice. As required, Davidson filed objections to the magistrate judge's report stating that she was seeking monetary damages for a host of violations including false arrest and false imprisonment. Noting that Davidson filed objections to the magistrate judge's report, but concluding that she failed to expressly raise the issue of jurisdiction, the district court adopted the magistrate judge's recommendation and dismissed the action. However, liberally construed, we believe that Davidson's claims of false arrest and false imprisonment give the court jurisdiction pursuant to 42 U.S.C. § 1983 (2000). Accordingly, we vacate the district court's order dismissing the

action for lack of jurisdiction and remand the case for further proceedings consistent with this opinion.

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.

VACATED AND REMANDED