

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-1433

JAMES GUSEH,

Plaintiff - Appellant,

versus

NORTH CAROLINA CENTRAL UNIVERSITY, through the Board of Governors of the University of North Carolina; BERNICE D. JOHNSON, in her individual and official capacity as Dean of the College of Arts and Sciences of North Carolina Central University,

Defendants - Appellees.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., Chief District Judge. (1:04-cv-00042-JAB)

Submitted: November 15, 2006

Decided: November 17, 2006

Before WIDENER, WILKINSON, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Guseh, Appellant Pro Se. John Payne Scherer II, Assistant Attorney General, Raleigh, North Carolina, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

James Guseh appeals the district court's order accepting* the recommendation of the magistrate judge and dismissing his employment discrimination action. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Guseh v. North Carolina Central Univ., No. 1:04-cv-00042-JAB (M.D.N.C. Mar. 13, 2006). 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 district court accepted the magistrate judge's recommendation with one exception: the court found that Guseh's claim under the North Carolina Constitution was not barred by sovereign immunity, Corum v. Univ. of N.C., 413 S.E.2d 276, 289-92 (N.C. 1992), but rather, was barred because such direct constitutional claims may only proceed in the absence of an alternative state remedy. Id.; Ware v. Fort, 478 S.E.2d 218, 222 (N.C. App. 1996).