

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-7117**

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MARION BEASLEY, JR.,

Plaintiff - Appellant,

versus

COUNTY OF FORSYTH; STATE OF NORTH CAROLINA,

Defendants - Appellees.

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Appeal from the United States District Court for the Middle  
District of North Carolina, at Durham. Russell A. Eliason,  
Magistrate Judge. (1:07-cv-00457-NCT)

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Submitted: October 31, 2007

Decided: November 21, 2007

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Before NIEMEYER, SHEDD, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Marion Beasley, Jr., Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marion Beasley, Jr., appeals a magistrate judge's order dismissing his complaint without prejudice to his right to refile. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000). See Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949); United States v. Bryson, 981 F.2d 720, 723 (4th Cir. 1992) (magistrate judge may hear matters in 28 U.S.C. § 2255 (2000) proceedings, but may not decide them absent explicit consent of the parties). Where a dispositive matter is referred to the magistrate judge under 28 U.S.C. § 636(b) (2000), parties must have the opportunity to object, and the district court is required to conduct de novo review of the portions of the recommendation to which objections are made. Bryson, 981 F.2d at 723. Because Beasley did not consent to the jurisdiction of the magistrate judge, the magistrate judge's order is not a final appealable order. Accordingly, we dismiss the appeal for lack of jurisdiction. 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.

DISMISSED