

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-2295

TORREY JOSEY,

Plaintiff - Appellant,

v.

WAL-MART STORES EAST, L.P.,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. Cameron McGowan Currie, Senior District Judge. (0:11-cv-02993-CMC)

Submitted: March 31, 2014

Decided: April 11, 2014

Before NIEMEYER, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Torrey Josey, Appellant Pro Se. Danny Michael Henthorne, LITTLER MENDELSON PC, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Torrey Josey appeals the district court's amended order adopting the magistrate judge's report and recommendation and denying Josey's motion for default judgment,* the magistrate judge's oral order denying Josey's motions for subpoenas, and the district court's order adopting in part the magistrate judge's report and recommendation and granting Defendant's motion for summary judgment on Josey's employment discrimination, wrongful termination, and hostile work environment claims. We have reviewed the record and find no reversible error. Accordingly, although we grant Josey leave to proceed in forma pauperis, we affirm for the reasons stated by the district court. Josey v. Wal-Mart Stores East, L.P., No. 0:11-cv-02993-CMC (D.S.C. Apr. 9, 2012; filed July 18, 2012 & entered July 19, 2012; Oct. 8, 2013). We dispense with oral argument because the facts and legal contentions are adequately

* Defendant argues that Josey did not effectively appeal the district court's order denying his motion for default judgment and we therefore lack jurisdiction to consider the appeal. We conclude that, although Josey's notice of appeal was technically deficient under Fed. R. App. P. 3(c), Defendant was on notice that Josey sought to appeal this order and will not be prejudiced by our review of it. See Levald, Inc. v. City of Palm Desert, 998 F.2d 680, 691 (9th Cir. 1993) (holding that, when appellant addresses the merits of an issue in his opening brief, this alone "is enough to demonstrate that the appellee had notice of the issue and did not suffer prejudice from the appellant's failure to specify the order in the notice of appeal").

presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED