

United States Court of Appeals
For the Eighth Circuit

No. 15-1058

Jimmy D. Stevens,

Plaintiff - Appellant,

v.

Sheriff Tim Helder; Aramark, Co., Inc.; Quorum Court; County Attorney,

Defendants - Appellees,

Major Randell Dinger,

Defendant,

Major Randall Denzer; Deputy Robinson; John Doe, Deputy #1; Deputy Morgan;
John Doe, Deputy #2; John Doe, Deputy #3,

Defendants - Appellees.

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: June 3, 2015

Filed: June 19, 2015

[Unpublished]

Before SMITH, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Arkansas inmate Jimmy Stevens appeals the magistrate's dismissal of his 42 U.S.C. § 1983 complaint alleging that correctional officers violated his rights by assaulting him. Although the magistrate interpreted Stevens's "Motion to Suspend" further proceedings as a stipulation of dismissal under Fed. R. Civ. P. 41(a), Stevens argues that he sought a continuance, not dismissal. We conclude that the order amounted to an involuntary dismissal of the action, and that the magistrate did not have jurisdiction to enter an involuntary dismissal without consent of the parties. *See* 28 U.S.C. § 636(b)(1)(A); *LeGear v. Thalacker*, 46 F.3d 36, 36-37 (8th Cir. 1995) (per curiam). Because we find no indication in the record that the parties consented to the magistrate's jurisdiction, we conclude the dismissal order was not a final order, and we dismiss the appeal for lack of jurisdiction.
