

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Carr's Report and Recommendation and incorporates it herein.

It is therefore

ORDERED that this case is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

S/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

Florence, South Carolina
March 21, 2006