



**report and recommendation.**

A de novo review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation is **AFFIRMED**, defendant's motion to dismiss is **GRANTED**, and the case is **DISMISSED** with prejudice.

**IT IS FURTHER ORDERED** that defendant's motion for an award of fees and costs is **DENIED**.

**AND IT IS SO ORDERED.**



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David C. Norton  
United States District Judge

June 8, 2012  
Charleston, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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of what is required." Id. at 846. Plaintiff was advised in a clear manner that his objections had to be filed within ten (10) days, and he received notice of the consequences at the appellate level of his failure to object to the magistrate judge's report.