

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**, and defendants' motion to dismiss is **DENIED**.

AND IT IS SO ORDERED.



David C. Norton
United States District Judge

September 9, 2014
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.

level of his failure to object to the magistrate judge's report.