

recommendation were timely filed on September 9, 2013.

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 the case is **DISMISSED** without prejudice and without issuance and service of process.

AND IT IS SO ORDERED.



David C. Norton
United States District Judge

September 20, 2013
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

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