

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 44) and incorporates it herein. Accordingly, this action is **DISMISSED** for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989). Further, Defendants' motion for summary judgment (ECF No. 37) is **DENIED as moot**

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

November 14, 2017
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.