

recommendation were timely filed on August 1, 2011.

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**, defendants' Motion for Summary Judgment is **GRANTED**, and the complaint is **DISMISSED** without prejudice for failure of plaintiff to exhaust his administrative remedies.

AND IT IS SO ORDERED.



David C. Norton
Chief United States District Judge

Charleston, South Carolina
August 22, 2011

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

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.