

recommendation were timely filed on February 21, 2012.

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 defendant Ralph J. Wilson, Sr. and plaintiff's claims relating to Wilson's representation of him are **DISMISSED** without prejudice and without service of process.

IT IS FURTHER ORDERED that plaintiff may file a state law malpractice action against Wilson in state court, if he so desires.

AND IT IS SO ORDERED.



David C. Norton
United States District Judge

February 29, 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

must be 'sufficiently understandable to one in appellant's circumstances fairly to appraise him 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.