UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 20-1538

HAKIM JAKUIN MORRIS,

Plaintiff - Appellant,

v.

JOCELYN B. CATE; MARCINE HOLMES; DEPARTMENT OF SOCIAL SERVICES, (DSS),

Defendants - Appellees.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (2:19-cv-02814-DCN)

Submitted: September 24, 2020 Decided: October 20, 2020

Before HARRIS and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Hakim Jakuin Morris, Appellant Pro Se.

PER CURIAM:

Hakim Jakuin Morris appeals the district court's order accepting the recommendation of the magistrate judge and dismissing without prejudice his 42 U.S.C. § 1983 complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. *Morris v. Cate*, No. 2:19-cv-02814-DCN (D.S.C. Feb. 7, 2020). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Hakim Jakuin Morris, Plaintiff, vs. Jocelyn B. Cate, Marcine Holmes, Department of Social Services (DSS), Defendants.	)	C/A: 2:19-2814-DCN-BM **REPORT AND RECOMMENDATION**

Plaintiff Hakim Jakuin Morris, proceeding pro se and in forma pauperis, appears to brings this action pursuant to 42 U.S.C. § 1983. Under established local procedure in this judicial district, a careful review has been made of the pro se Complaint pursuant to the procedural provisions of 28 U.S.C. § 1915 and § 1915A, the Prison Litigation Reform Act, Pub.L. No. 104–134, 110 Stat. 1321 (1996), and in light of the following precedents: Denton v. Hernandez, 504 U.S. 25 (1992), Neitzke v. Williams, 490 U.S. 319 (1989), Haines v. Kerner, 404 U.S. 519 (1972), Nasim v. Warden, Maryland House of Corr., 64 F.3d 951 (4th Cir. 1995), and Todd v. Baskerville, 712 F.2d 70 (4th Cir. 1983). Pro se complaints are held to a less stringent standard than those drafted by attorneys, Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978), and a federal district court is charged with liberally construing a pro se complaint to allow the development of a potentially meritorious case. Erickson v. Pardus, 551 U.S. 89, 93 (2007) (citing Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555–56 (2007)); Hughes v. Rowe, 449 U.S. 5, 9 (1980).

However, even when considered pursuant to this liberal standard, for the reasons set forth hereinbelow this case is subject to summary dismissal. The requirement of liberal construction does not mean that the court can ignore a clear failure in the pleading to allege facts which set forth

a claim cognizable in a federal district court. See Weller v. Dep't of Soc. Servs., 901 F.2d 387 (4th Cir. 1990); see also Ashcroft v. Iqbal, 556 U.S. 662 (2009) [outlining pleading requirements under the Federal Rules of Civil Procedure].

Background

Plaintiff alleges in his Complaint (ECF No. 1) and attachment[1] (ECF No. 1-1) that his Fifth and Fourteenth Amendment rights have been violated because his driving privileges were suspended for his failure to pay his child support obligations. He claims he was denied his right to drive without a court hearing by the appropriate court. Plaintiff submitted a copy of a letter (dated July 27, 2019) from the South Carolina Department of Motor Vehicles titled "Official Notice" which informs Plaintiff that beginning August 11, 2019, he may not drive commercial or non-commercial motor vehicles because of delinquent child support in violation of SC Code Ann. § 63-17-1060 (Out-of-compliance procedures; notice).[2] The letter also informs Plaintiff that he may be eligible for

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[1]Plaintiff titles his attachment "Amended Complaint", but this unsigned pleading appears to be an attachment to the original Complaint rather than a true amended complaint. To the extent that Plaintiff is attempting to amend his Complaint, he must file a proposed amended complaint pursuant to Fed. R. Civ. P. 15. Plaintiff is reminded that an amended complaint replaces the original complaint and should be complete in itself. See Young v. City of Mount Ranier, 238 F.3d 567, 572 (4th Cir. 2001)["As a general rule, an amended pleading ordinarily supersedes the original and renders it of no legal effect."](citation and internal quotation marks omitted); see also 6 Charles Allan Wright et al., Federal Practice and Procedure § 1473 (3d ed. 2017)["A pleading that has been amended under Rule 15(a) supersedes the pleading it modifies and remains in effect throughout the action unless it subsequently is modified. Once an amended pleading is interposed, the original pleading no longer performs any function in the case...."]. The undersigned has considered both the Complaint (ECF No. 1) and attachment (ECF No. 1-1) in preparing this report and recommendation.

[2]The statute provides, in part:

(B) Upon receiving the notice provided for in subsection (A), the licensee may:

(1) request a review with the division; however, issues the licensee may raise at the review are limited to whether the licensee is the individual required to pay under the order for support and whether the licensee is out of compliance

(continued...)

a route restricted license if he has a job or is enrolled in a university or college. He requests the return of his driving privileges and also appears to request monetary damages. See ECF No. 1 at 5, ECF No. 1-1 at 24-25.

Discussion

Plaintiff fails to allege sufficient facts to state a constitutional or other federal claim, as his allegations are so generally incomprehensible and filled with what could only be considered by a reasonable person as unconnected, conclusory, and unsupported comments, that it is unclear what is to be made of them. See Hagans v. Lavine, 415 U.S. 528, 536-537 (1974) [Noting that federal courts lack power to entertain claims that are "so attenuated and unsubstantial as to be absolutely devoid of merit"]; see also Livingston v. Adirondack Beverage Co., 141 F.3d 434 (2nd Cir. 1998); Adams v. Rice, 40 F.3d 72 (4th Cir. 1994)[Affirming dismissal of plaintiff's suit as frivolous where allegations were conclusory and nonsensical on their face]. Other than naming Defendants in the caption of his Complaint and making general assertions that the family court and DSS have removed his driving privileges, restricted his movement, and neglected his "right to locomotion" (ECF No. 1-1 at 4), Plaintiff merely asserts generalized allegations without stating how each Defendant was involved and what each Defendant did that allegedly caused him harm or

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[2](...continued)

with the order of support; or

(2) request to participate in negotiations with the division for the purpose of establishing a payment schedule for the arrearage.

S.C. Code Ann. § 63-17-1060 (B). Plaintiff has not alleged that he made such a request. Although Plaintiff appears to allege that the South Carolina statute fails to define license, the applicable statute [Article 7. Child Support Enforcement Through License Revocation (Refs & Annos)] specifically provides that "license" means "a driver's license and includes, but is not limited to, a beginner's or instruction permit, a restricted driver's license, a motorcycle driver's license, or a commercial driver's license." S.C. Code Ann. § 63-17-1020(5)(b).

violated his rights (including the dates and places of that involvement or conduct). Plaintiff fails to include sufficiently clear factual allegations against any of the named Defendants of any personal responsibility or personal wrongdoing in connection with the alleged violation of any of his constitutionally protected rights.[3]

Thus, Plaintiff's Complaint is in violation of the directive in Federal Rule of Civil Procedure 8(a) that pleadings shall contain "a short and plain statement" of the basis for the court's jurisdiction and of the basis for a plaintiff's claims against each defendant. See Bell Atlantic Corp. v. Twombly, 550 U.S. at 555 [requiring, in order to avoid dismissal, "'a short and plain statement of the claim showing that the pleader is entitled to relief,' in order to 'give the defendant fair notice of what the ... claim is and the grounds upon which it rests.'"]. As such, the Complaint is both frivolous and fails to state a claim on which relief can be granted as to the named Defendants. See Potter v. Clark, 497 F.2d 1206, 1207 (7th Cir. 1974) ["Where a complaint alleges no specific act or conduct on the part of the defendant and the complaint is silent as to the defendant except for his name appearing in the caption, the complaint is properly dismissed."]; Newkirk v. Circuit Court of City of Hampton, No. 3:14CV372-HEH, 2014 WL 4072212, at *2 (E.D. Va. Aug. 14, 2014) [complaint subject to summary dismissal where no factual allegations against named defendants within the body of the pleading]; see also Krych v. Hvass, 83 F. App'x 854, 855 (8th Cir. 2003); Black v. Lane, 22 F.3d 1395, 1401 n.8 (7th Cir. 1994); Walker v. Hodge, 4 F.3d 991, 1993 WL

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[3]Much of Plaintiff's attachment appears to be copied from the amended complaint in another litigant's case with language that does not appear to refer to incidents concerning Plaintiff (for example, Plaintiff states that "I Travis Deon Bey have a right...." - ECF No. 1-1 at 8). See Bey v. State of South Carolina, No. 18-2799 (D.S.C). A federal court may take judicial notice of the contents of its own records. See Aloe Creme Labs., Inc. v. Francine Co., 425 F.2d 1295, 1296 (5th Cir. 1970).

360996, at * 2 n.2 (5th Cir. 1993); Banks v. Scott, 3:13CV363, 2014 WL 5430987, at *2 (E.D. Va. Oct. 24, 2014). In the absence of substantive allegations of wrongdoing against each of the named Defendants, there is nothing from which this court can liberally construe any type of plausible cause of action arising from the Complaint against them. See Cochran v. Morris, 73 F.3d 1310 (4th Cir. 1996)[statute allowing dismissal of in forma pauperis claims encompasses complaints that are either legally or factually baseless].

To the extent that Plaintiff is attempting to appeal the results of a state court action, the current action should be dismissed because federal district courts do not hear "appeals" from state court actions. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476-82 (1983)[a federal district court lacks authority to review final determinations of state or local courts because such review can only be conducted by the Supreme Court of the United States under 28 U.S.C. § 1257]; Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923). To rule in favor of Plaintiff on claims filed in this action may require this court to overrule and reverse orders and rulings made in the state court. Such a result is prohibited under the Rooker–Feldman doctrine. Davani v. Virginia Dep't. of Transp., 434 F.3d 712, 719-720 (4th Cir. 2006); see Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280, 293-294 (2005); Jordahl v. Democratic Party of Va., 122 F.3d 192, 201 (4th Cir. 1997).[4]

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[4]The Rooker-Feldman doctrine is applicable both to claims at issue in a state court order and to claims that are "inextricably intertwined" with such an order. See Exxon Mobil, 544 U.S. at 284. Plaintiff has not alleged any facts to indicate that this is a case where the federal complaint raises claims independent of, but in tension with, a state court judgment such that the Rooker-Feldman doctrine would not be an impediment to the exercise of federal jurisdiction. See Vicks v. Ocwen Loan Servicing, LLC, 676 F. App'x 167 (4th Cir. 2017)[district court erred in applying Rooker-Feldman doctrine to bar appellants' claims where the claims did "not seek appellate review of [the state court] order or fairly allege injury caused by the state court in entering that order"]; Thana v.
(continued...)

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Alternatively, to the extent that Plaintiff has a pending state court action, the abstention doctrine set forth in Younger v. Harris, 401 U.S. 37, 91 (1971), and its progeny preclude this Court from interfering with the ongoing proceedings, as Plaintiff can raise these issues in the state court proceedings. The Younger doctrine applies to civil proceedings that "implicate a State's interest in enforcing the orders and judgment of its courts." Sprint Commc'ns, Inc. v. Jacobs, 571 U.S. 69, (2013)(internal quotation marks omitted). Thus, to the extent that Plaintiff is seeking injunctive or declaratory relief, his claims are barred under the Younger doctrine, although the abstention principles established in Younger may not require dismissal of a claim for damages. See, e.g., Lindsay v. Rushmore Loan Mgmt., Servs., LLC, No. PWG-15-1031, 2017 WL 167832, at *1, 4 (D. Md. Jan. 17, 2017)["causes of action for damages, such as Plaintiffs', may be stayed but not dismissed on Younger abstention grounds](citing Quackenbush v. Allstate Ins. Co., 517 U.S. 706, 721 (1996)).

To the extent Plaintiff is seeking to enjoin a pending state action by enjoining the execution of a child support or other court order, the Anti-Injunction Act precludes such an injunction. Section 2283 of Title 28 of the United States Code mandates that except in certain circumstances "[a] court of the United States may not grant an injunction to stay proceedings in a State court...." The Act constitutes "an absolute prohibition against any injunction of any state-court proceedings, unless the injunction falls within one of the three specifically defined exceptions Act." Vendo Co. v. Lektro-Vend Corp., 433 U.S. 623, 630 (1977) (plurality opinion). These three

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[4](...continued)
Bd. of License Comm'rs for Charles Cty., Md., 827 F.3d 314, 320 (4th Cir. 2016)[Rooker-Feldman doctrine is not an impediment to the exercise of federal jurisdiction when the federal complaint raises claims independent of, but in tension with, a state court judgment simply because the same or related question was aired earlier by the parties in state court].

exceptions are injunctions: (1) expressly authorized by statute; (2) necessary to aid the court's jurisdiction; or (3) required to protect or effectuate the court's judgments. Chick Kam Choo v. Exxon Corp., 486 U.S. 140, 146 (1988); Atlantic Coast Line R.R. Co. v. Board of Locomotive Eng'rs, 398 U.S. 281, 287-88 (1970). None of these exceptions applies here.

Although Plaintiff vaguely makes allegations concerning driving under suspension (DUS) and asserts that the statute which outlines the penalties for a DUS violation [S.C. Code Ann. § 56-01-0460 (Penalties for driving while license cancelled, suspended or revoked; route restricted license)] is "void for vagueness" (see ECF No. 1-1 at 8), he has not alleged that he has been arrested on a charge of DUS. Further, to the extent that he is attempting to challenging such a charge, it would be subject to summary dismissal based on the United States Supreme Court's decision in Heck v. Humphrey, 512 U.S. 477 (1994), in which the Court held that a state prisoner's claim for damages is not cognizable under § 1983 where success of the action would implicitly question the validity of the conviction or duration of the sentence, unless he could demonstrate that the conviction or sentence has been previously invalidated. Heck, 512 U.S. at 486-487. As Plaintiff has not alleged that he has a charge or conviction with a termination in his favor, any such claims are barred by Heck and would be subject to dismissal. See Lambert v. Williams, 223 F.3d 257, 260–261 (4th Cir. 2000)[claim for malicious prosecution requires a showing that the initiation or maintenance of a proceeding against the plaintiff was without probable cause to support it and a termination thereof occurred in favor of the plaintiff], cert. denied, 531 U.S. 1130 (2001); Brooks v. City of Winston–Salem, 85 F.3d 178, 183 (4th Cir. 1996)[Claim for malicious prosecution does "not accrue until a favorable termination is obtained."]; Roesch v. Otarola, 980 F.2d 850, 853–854 (2d Cir.

1992)[holding that requirement that a plaintiff receive favorable determination applies to claims of false arrest, false imprisonment, and malicious prosecution].

Plaintiff also appears to allege that the suspension of his driver's license violates the Commerce Clause. The Commerce Clause provides that "[t]he Congress shall have Power ... To regulate Commerce ... among the several States." U.S. Const. art. I, § 8, cl. 3. "It is well-established that this affirmative grant of authority implies a "negative" or "dormant" constraint on the power of the States to enact legislation that interferes with or burdens interstate commerce." Brown v. Hovatter, 561 F.3d 357, 362–63 (4th Cir. 2009).

Determining whether a state law violates the dormant Commerce Clause involves a two-tier analysis. Id. at 363. The first inquiry is "whether the state law *discriminates* against interstate commerce." Id. (emphasis omitted). Discrimination means "differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter." Oregon Waste Systems, Inc. v. Dep't of Env'tl Quality, 511 U.S. 93, 99 (1994) (emphasis added). If the state law is nondiscriminatory, a court asks whether it "unjustifiably burdens interstate commerce." Brown, 561 F.3d at 363. The law "will be upheld unless the burden imposed on [interstate] commerce is clearly excessive in relation to the putative local benefits." Pike v. Bruce Church, Inc., 397 U.S. 137, 142 (1970). Here, Plaintiff has not alleged any facts to indicate a violation of the Commerce Clause and fails to state a claim as to the Commerce Clause.

A general contention underlying Plaintiff's Complaint is a claim that he has a "right of locomotion" or "freedom of movement" (See ECF No. 1-1 at 4, 9, 10) which he appears to interpret as an unfettered right to drive a car or other motor vehicle. However, numerous courts have stated that there is no fundamental right to drive. See Miller v. Reed, 176 F.3d 1202, 1205–1206 (9th

Cir. 1999) [indicating that there is no fundamental right to drive]; Matthew v. Honish, 233 F. App'x. 563, 564 (7th Cir. May 10, 2007) [finding no fundamental right to drive a motor vehicle]. While the Supreme Court on occasion has suggested that some right to free movement may exist, "those comments are only dicta—the cases involved travel across borders, not mere 'locomotion.'" Hutchins v. District of Columbia, 188 F.3d 531, 537 (D.C.Cir. 1999) (citing cases).

Plaintiff also appears to be attempting to bring claims pursuant to the Hobbs Act. However, the Supreme Court historically has been loath to infer a private right of action from "a bare criminal statute," because criminal statutes are usually couched in terms that afford protection to the general public instead of a discrete, well-defined group." Doe v. Broderick, 225 F.3d 440, 447-48 (4th Cir. 2000) (citing Cort v. Ash, 422 U.S. 66, 80 (1975)). Where criminal statutes bear "no indication that civil enforcement of any kind was available to anyone," a civil complaint alleging violations of such statutes cannot be sustained as a matter of law. Cort v. Ash, 422 U.S. at 80. Courts have found no private cause of action under the Hobbs Act. Stanard v. Nygren, 658 F.3d 792, 794 (7th Cir. 2011)["The complaint also included a number of obviously frivolous claims; for example, a violation of the Hobbs Act (a criminal statute that does not provide a private right of action) ...."]; Wisdom v. First Midwest Bank, of Poplar Bluff, 167 F.3d 402, 408-409 (8th Cir. 1999) [holding that the Hobbs Act does not provide a private cause of action, noting that every court to consider the issue had so concluded, and gathering cases]; Smith v. Bank of America, No. 2:14cv635, 2015 WL 12591791 (E.D.Va. Apr. 20, 2015)[noting that to the extent the plaintiffs attempted to bring a claim under the Hobbs Act that it "is a criminal statute wholly unrelated to mortgages or the facts set forth by [the plaintiffs], and it does not establish a private cause of action."].

As noted above, Plaintiff fails to state any specific claims against Defendants, including Defendant Cate. Further, as Judge Cate is a South Carolina family court judge, any claims against her are subject to summary dismissal as Defendant Cate is entitled to absolute judicial immunity from suit for all actions taken in her judicial capacity. See Mireles v. Waco, 502 U.S. 9 (1991); Stump v. Sparkman, 435 U.S. 349, 351-64 (1978); Pressly v. Gregory, 831 F.2d 514, 517 (4th Cir. 1987)[a suit by South Carolina inmate against two Virginia magistrates]; Chu v. Griffith, 771 F.2d 79, 81 (4th Cir. 1985)["It has long been settled that a judge is absolutely immune from a claim for damages arising out of his judicial actions."]; see also Siegert v. Gilley, 500 U.S. 226 (1991) [immunity presents a threshold question which should be resolved before discovery is even allowed]; accord Bolin v. Story, 225 F.3d 1234 (11th Cir. 2000)[discussing judicial immunity of United States District Judges and United States Circuit Judges]. Thus, Defendant Cate is also entitled to summary dismissal for this reason.

Although Plaintiff has named Marcine Holmes as a Defendant, he has not alleged any facts as to what Defendant Holmes allegedly did or did not do and has not asserted any facts indicating that Holmes is a state actor subject to suit under § 1983. Because the United States Constitution regulates only the government, not private parties, a litigant asserting a § 1983 claim that his constitutional rights have been violated must first establish that the challenged conduct constitutes "state action." See, e.g., Blum v. Yaretsky, 457 U.S. 991, 1002 (1982). To qualify as state action, the conduct in question "must be caused by the exercise of some right or privilege created by the State or by a rule of conduct imposed by the State or by a person for whom the State is responsible," and "the party charged with the [conduct] must be a person who may fairly be said to be a state actor." Lugar v. Edmondson Oil Co., Inc., 457 U.S. 922, 937 (1982); see U. S. v. Int'l Bhd.

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of Teamsters, Chauffeurs, Warehousemen and Helpers of Am., AFL-CIO, 941 F.2d 1292 (2d Cir.1991). Although a private individual or corporation can act under color of state law, his, her, or its actions must occur where the private individual or entity is "a willful participant in joint action with the State or its agents." Dennis v. Sparks, 449 U.S. 24, 27-28 (1980). To the extent that Defendant Holmes is a private individual, there are no allegations here to suggest that the actions of this Defendant were anything other than purely private conduct.

Additionally, any request for monetary damages against Defendant DSS and against any of the other Defendants in their official capacities, to the extent that such a Defendant is an employee of the State of South Carolina, is barred by the Eleventh Amendment to the United States Constitution, which divests this court of jurisdiction to entertain a suit for damages brought against the State of South Carolina or its integral parts. See Alden v. Maine, 527 U.S. 706, 712-13 (1999); Seminole Tribe of Florida v. Florida, 517 U.S. 44, 54 (1996); Hans v. Louisiana, 134 U.S. 1 (1890); see also Will v. Michigan Dep't of State Police, 491 U.S. 58, 71 (1989)[holding that claims against a state official for actions taken in an official capacity are tantamount to a claim against the state itself]. While the United States Congress can override Eleventh Amendment immunity through legislation, Congress has not overridden the States' Eleventh Amendment immunity in § 1983 cases. See Quern v. Jordan, 440 U.S. 332, 343 (1979). Further, although a State may itself consent to a suit in a federal district court, Pennhurst State School & Hosp. v. Halderman, 465 U.S. 89, 99 & n. 9 (1984), the State of South Carolina has not consented to such actions. Rather, the South Carolina Tort Claims Act expressly provides that the State of South Carolina does not waive Eleventh Amendment immunity, consents to suit only in a court of the State of South Carolina, and does not consent to suit in a federal court or in a court of another state. S.C. Code Ann. § 15-78-20(e).

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Hakim Jakuin Morris, Plaintiff, vs. Jocelyn B. Cate; Marcine Holmes; and Department of Social Services (DSS), Defendants.	)	C/A No.: 2:19-cv-2814 DCN **ORDER**

The above referenced case is before this court upon the magistrate judge's recommendation that the complaint be dismissed without prejudice and without issuance and service of process.

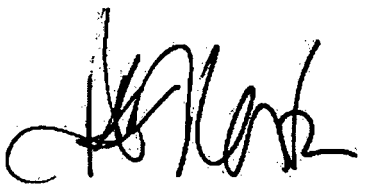
This court is charged with conducting a de novo review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. Thomas v Arn, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), ,cert. denied, 467 U.S. 1208 (1984).[1] **Objections to the Magistrate Judge's Report and**

[1]In Wright v. Collins, 766 F.2d 841 (4th Cir. 1985), the court held "that a pro se litigant must receive fair notification of the consequences of failure to object to a magistrate judge's report before such a procedural default will result in waiver of the right to appeal. The notice 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.

Recommendation were timely filed on February 4, 2020 by plaintiff.

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 complaint is **DISMISSED** without prejudice and without issuance and service of process.

AND IT IS SO ORDERED.



David C. Norton
United States District Judge

February 6, 2020
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