

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Orlando Ira Brown, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-002367

Appeal From Richland County
Tanya A. Gee, Circuit Court Judge

Unpublished Opinion No. 2017-UP-042
Submitted October 1, 2016 – Filed January 18, 2017

AFFIRMED

Orlando Ira Brown, of Blythewood, pro se.

Daniel R. Settana, Jr. and Temus C. Miles, Jr., of McKay
Cauthen Settana & Stublely, PA, of Columbia, for
Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: *Flateau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 415 (Ct. App. 2003) ("In deciding whether the trial court properly granted the motion to dismiss, this [c]ourt must consider whether the complaint, viewed in the light most favorable to the plaintiff, states any valid claim for relief."); *id.* at 201-02, 584

S.E.2d at 415 ("Generally, in considering a 12(b)(6)[, SCRC,] motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint.").¹

AFFIRMED.²

LOCKEMY, C.J., and KONDUROS and MCDONALD, JJ., concur.

¹ Appellant's argument that under 42 U.S.C. § 2000d-7 (2016) the State was not immune from suit is not preserved for this court's review. *See Wilder Corp. v. Wilke*, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998) ("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the [circuit court] to be preserved for appellate review.").

² We decide this case without oral argument pursuant to Rule 215, SCACR.