



# The South Carolina Court of Appeals

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February 03, 2017

The Honorable Jeanette W. McBride  
PO Box 2766  
Columbia SC 29202-2766

## REMITTITUR

Re: Orlando Ira Brown v. State of SC  
Lower Court Case No. 2015CP4004012  
Appellate Case No. 2015-002367

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

cc: Orlando Ira Brown  
Temus C. Miles, Jr., Esquire  
Daniel R Settana, Jr., Esquire

**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

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

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Unpublished Opinion No. 2017-UP-042  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

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**AFFIRMED**

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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.

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**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)[, SCRPC,] motion, the trial court must base its ruling solely upon allegations set forth on the face of the complaint.").<sup>1</sup>

**AFFIRMED.**<sup>2</sup>

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

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<sup>1</sup> 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.").

<sup>2</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.