

**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**

Terrance J. McLeod, Appellant,

v.

Jarius Orel English-McMillan, Roland Shelley, Roland
G. Shelley, II, Scott C. Shelley and Coastal Carolina
University, Defendants,

Of whom Coastal Carolina University is the Respondent.

Appellate Case No. 2016-001647

Appeal From Horry County
Benjamin H. Culbertson, Circuit Court Judge

Unpublished Opinion No. 2017-UP-414
Submitted October 1, 2017 – Filed November 1, 2017

AFFIRMED

John Derrick Clark, of the Clark Law Firm, LLC, of
Sumter, for Appellant.

Lisa Arlene Thomas, of Thompson & Henry, PA, of
Conway, for Respondent.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following authorities: Rule 12(b)(6), SCRCF (stating a circuit court may dismiss a complaint when the defendant demonstrates the plaintiff failed to allege facts sufficient to constitute a cause of action); *Dawkins v. Union Hosp. Dist.*, 408 S.C. 171, 176, 758 S.E.2d 501, 503 (2014) (providing the same standard of review for circuit courts and appellate courts when considering a motion to dismiss pursuant to Rule 12(b)(6), SCRCF: "whether the defendant demonstrate[d] the plaintiff . . . failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court"); *Flateau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 416 (Ct. App. 2003) (noting this court will affirm a dismissal under Rule 12(b)(6) "if the facts alleged in the complaint do not support relief under any theory of law"); *Doe v. Marion*, 373 S.C. 390, 400, 645 S.E.2d 245, 250 (2007) ("In order to prove negligence, a plaintiff must show: (1) defendant owe[d] a duty of care to the plaintiff; (2) defendant breached the duty by a negligent act or omission; (3) defendant's breach was the actual and proximate cause of the plaintiff's injury; and (4) plaintiff suffered an injury or damages."); *Faile v. S.C. Dep't of Juvenile Justice*, 350 S.C. 315, 334, 566 S.E.2d 536, 545 (2002) ("In a negligence action, the court must determine, as a matter of law, whether the defendant owed a duty of care to the plaintiff."); *Bishop v. S.C. Dep't of Mental Health*, 331 S.C. 79, 86, 502 S.E.2d 78, 81 (1998) (stating negligence is not actionable without a duty of care); *Rayfield v. S.C. Dep't of Corr.*, 297 S.C. 95, 100, 374 S.E.2d 910, 913 (Ct. App. 1988) ("An affirmative legal duty exists only if created by statute, contract, relationship, status, property interest, or some special circumstance.").

AFFIRMED.¹

LOCKEMY, C.J., and HUFF and HILL, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.