

**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**

John Doe, Appellant,

v.

City of Duncan, Respondent.

Appellate Case No. 2012-213499

Appeal From Spartanburg County
J. Derham Cole, Circuit Court Judge

Unpublished Opinion No. 2014-UP-400
Submitted September 1, 2014 – Filed November 12, 2014

AFFIRMED

Gregg E. Meyers, of Jeff Anderson & Associates, of St.
Paul, Minnesota, for Appellant.

William Harrell Foster, III, of Nelson Mullins Riley &
Scarborough, LLP, and Charles Franklin Turner, Jr., of
Willson Jones Carter & Baxley, both of Greenville; and
Allen Mattison Bogan and Miles Edward Coleman, both
of Nelson Mullins Riley & Scarborough, LLP, of
Columbia, for Respondent.

PER CURIAM: John Doe appeals the trial court's dismissal of his action pursuant to Rules 3, 12(b)(1), and 12(b)(2), SCRCP. Doe argues the trial court improperly dismissed his action because it did not apply the Servicemembers Civil Relief Act.¹ We affirm pursuant to Rule 220(b), SCACR, and the following authority: *I'On, L.L.C. v. Town of Mt. Pleasant*, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000) (holding if the losing party has raised an issue in the lower court, but the court fails to rule upon it, the party must file a Rule 59(e), SCRCP, motion to alter or amend the judgment in order to preserve the issue for appellate review).

AFFIRMED.²

FEW, C.J., and THOMAS and LOCKEMY, JJ., concur.

¹ 50 App. U.S.C.A. §§ 501-515 and 516-597b (Supp. 2014).

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