

Circuit Court for Prince George's County
Case No. CAL18-29515

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 60

September Term, 2019

IHEUKWUMERE ENOBONG ONWUKA

v.

PRINCE GEORGE'S COUNTY HUMAN
RELATIONS COMMISSION

Kehoe,
Arthur,
Beachley,

JJ.

Opinion by Beachley, J.

Filed: February 14, 2020

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Iheukwumere Enobong Onwuka, appellant, filed a claim with the Prince George's County Human Relations Commission, alleging that the exercise gym that he belonged to discriminated against him on the basis of race and nationality, and then refused to reinstate his membership in retaliation for filing the claim. The Commission found insufficient evidence to support appellant's claim of discrimination and retaliatory action and dismissed the complaint. Appellant filed a petition for judicial review of the Commission's decision in the Circuit Court for Prince George's County. The circuit court affirmed the Commission's decision.

Appellant then noted an appeal to this Court. Because we conclude that the judgment of the circuit court was not appealable, we shall dismiss the appeal for lack of jurisdiction.

“[A]n order of a circuit court must be appealable in order to confer jurisdiction upon an appellate court[.]” *Johnson v. Johnson*, 423 Md. 602, 605–06 (2011) (citing *Stachowski v. State*, 416 Md. 276, 285 (2010)). “[A]ppellate jurisdiction, except as constitutionally authorized, is determined entirely by statute, and . . . therefore, a right of appeal must be legislatively granted.” *Prince George's Cty. v. Beretta U.S.A. Corp.*, 358 Md. 166, 173 (2000) (quoting *Gisriel v. Ocean City Elections Bd.*, 345 Md. 477, 485 (1997)). “[P]arties cannot confer jurisdiction on our Court, and we must dismiss a case *sua sponte* on a finding that we do not have jurisdiction.” *Johnson*, 423 Md. at 606 (alteration in original) (quoting *Miller & Smith v. Casey PMN*, 412 Md. 230, 240 (2010)).

Pursuant to the general appeals statute, § 12-301 of the Courts and Judicial Proceedings Article (“CJP”), “a party may appeal from a final judgment entered in a civil

or criminal case by a circuit court[,]” subject to the exceptions set forth in CJP § 12-302. One such exception provides that, “unless a right to appeal is expressly granted by law,” a party has no right of appeal from the judgment of a court “entered or made in the exercise of appellate jurisdiction in reviewing the decision of . . . an administrative agency[.]”¹ CJP § 12-302(a). Consequently, “[w]here no other statute authorizes an appeal in the type of case covered by CJP §12-302(a), the Court of Special Appeals is not authorized to entertain the appeal and must dismiss it.” *Murrell v. Mayor & City Council of Baltimore*, 376 Md. 170, 185 (2003) (citing *Beretta*, 358 Md. at 180-83).

The Prince George’s County Human Relations Commission is governed by Subtitle 2, Division 12 of the Prince George’s County Code. Section 2-197(c) of that statute provides that “[a]ny party aggrieved by a final decision by the Commission is entitled to file an appeal pursuant to Chapter 200, Title 7,” of the Maryland Rules, which are the rules that provide for judicial review of agency decisions in the circuit court. The statute authorizes no other appeals.

In *Beretta*, 358 Md. at 167, the Court of Appeals held that a circuit court judgment in an action for judicial review of a decision of the Prince George’s County Human Relations Commission is not appealable. The Court noted that “[n]either § 2-197(c) nor

¹ As the Court of Appeals has noted, despite the language of CJP § 12-302(a), a circuit court does not exercise “appellate jurisdiction” in reviewing the decision of an administrative agency. *Beretta*, 358 Md. at 175. Instead, that language “refers to an original circuit court action, authorized by statute, judicially reviewing an adjudicatory decision of an administrative agency . . . when it acts in a quasi-judicial capacity.” *Id.* (citing *Gisriel*, 345 Md. at 486-96).

any other provision of law expressly authorizes an appeal to the Court of Special Appeals from a circuit court judgment reviewing a decision by the Prince George's County Human Relations Commission." *Id.* at 169. *Beretta* is indistinguishable from the case at bar. Accordingly, the present appeal is precluded by CJP § 12-302(a) and must be dismissed.

**APPEAL DISMISSED. COSTS TO BE PAID
BY APPELLANT.**