

Circuit Court for Allegany County
Case No. C-01-CV-21-000255

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 406

September Term, 2022

STEPHEN D. NOLAN

v.

CORIZON CORRECTIONAL
HEALTH CARE

Wells, C.J.,
Tang,
Meredith, Timothy E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 2, 2022

*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.

In this appeal from a civil action in the Circuit Court for Allegany County, Stephen D. Nolan, appellant, challenges the granting of a motion by Corizon Correctional Health Care (“Corizon”), appellee, to dismiss Mr. Nolan’s complaint. For the reasons that follow, we shall affirm the judgment of the circuit court.

On October 8, 2021, Mr. Nolan filed a complaint in which he sought damages from Corizon for “medical malpractice” and other causes of action. On October 28, 2021, the court issued a writ of summons for Corizon. On March 4, 2022, Corizon filed a “Motion to Dismiss for Lack of Jurisdiction, Insufficiency of Process, and Insufficiency of Service of Process,” in which it stated:

[Mr. Nolan] made three attempts to serve Corizon via certified mail at its Tennessee headquarters. First, on November 10, 2021, by delivery of the Complaint and a handwritten “summons” signed by [Mr. Nolan] not made under seal of [the] Court. Second, on December 1, 2021, by delivery of a single page of a court-issued summons, but not the entire summons or the complaint. Third, on January 12, 2022, by delivery of the complaint and a court-issued summons dated October 28, 2021.

The first attempt to serve Corizon was invalid because the “summon[s]” was handwritten by [Mr. Nolan] and not issued by the Court, in violation of Md. Rule 2-114(a), which requires the summons to be “under the seal of the court and signed by the clerk.” Md. Rule 2-114(a). The second attempt to serve Corizon was invalid because service requires delivering “a copy of the summons, complaint, and all other papers filed with it,” and it only included a single page of the summons and no complaint. Md. Rule 2-121(a). The third attempt to serve Corizon was invalid because the court-issued summons dated October 28, 2021 was more than 60 days old, and a summons is effective for service only if served within 60 days after the date it is issued. Md. Rule 2-113. Thus, the summons was “dormant” when it was served on Corizon and had no effect. *Id.* Moreover, service of a corporation requires “serving its resident agent, president, secretary, or treasurer,” which was not completed. Md. Rule 2-124(d).

Because service was improper on Corizon, this Court has not obtained personal jurisdiction over Corizon, and [Mr. Nolan’s] Complaint should be dismissed.

(Citation and exhibit references omitted.) The court subsequently granted the motion.

Mr. Nolan requests that we reverse the court’s judgment for the following reasons:

- “All [three attempts to serve] were signed by” Corizon.
- Mr. Nolan is “a layman to the courts . . . who needs . . . proper legal assistance.”
- “The court retain[ed] jurisdiction over Corizon once [the] writ of summons was issued . . . on” October 28, 2021.
- The “mailbox rule¹ should be considered.”
- “There is established case law resulting from lawsuits that have been settled due to Corizon [and] employees of Corizon [engaging in] medical neglect[]/malpractice, deliberate indifference, 8th Amendmen[t] violations, etc.”

We decline to do so. Mr. Nolan does not cite any authority that excuses the deficiencies in his services of process simply because an employee of Corizon “signed” for the certified mailings, and we have stated that a “party’s failure to comply with the Maryland Rules governing service of process constitutes a jurisdictional defect that prevents a court from exercising personal jurisdiction over the defendant.” *Conwell Law v. Tung*, 221 Md. App. 481, 498 (2015) (citations and internal quotations omitted). We have also stated that “[t]he procedural, evidentiary, and appellate rules apply alike to parties and their attorneys,” and “[n]o different standards apply when parties appear pro se.” *Gantt v. State*, 241 Md. App. 276, 302 (2019) (citation and emphasis omitted). Furthermore, Mr. Nolan does not cite any authority that interprets Rule 1-322(d), which governs filings by “self-represented individuals who . . . are confined in a correctional or other detention facility,” to exempt

¹We presume that Mr. Nolan refers to Rule 1-322(d), commonly known as the “prison mailbox rule.” See *Hackney v. State*, 459 Md. 108, 110 (2018).

those individuals from the 60-day deadline imposed by Rule 2-113 for service of a summons. Finally, Mr. Nolan does not cite any authority that excuses him from the requirements for service of process simply because Corizon may have previously settled complaints filed by other parties. For these reasons, the court did not err in granting the motion to dismiss.

**JUDGMENT OF THE CIRCUIT COURT
FOR ALLEGANY COUNTY AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**