

Circuit Court for Anne Arundel County
Case No.: C-02-CV-22-000911

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND*

No. 1048

September Term, 2022

AARON B. ROBERTS, *et al.*

v.

ROBERT L. GREEN, *et al.*

Berger,
Arthur,
Eyler, James R.,
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: April 4, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 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.

Aaron B. Roberts and Malik K. Leftwich, appellants and inmates at the Eastern Correctional Institution, sued seven officials and employees of the Department of Public Safety and Correctional Services, appellees (collectively, “the Department Employees”), in the Circuit Court for Anne Arundel County. Along with the complaint, Roberts filed a request for waiver of prepaid costs using a court form for waiver of costs pursuant to Maryland Rule 1-325. The circuit court denied the request, and this appeal followed. For the reasons that follow, we shall affirm.

Roberts and Leftwich’s complaint alleged that a Department Employee refused their request to be housed together in retaliation for Roberts having previously filed an inmate grievance complaint against that Employee. The complaint did not reference any prior Inmate Grievance Office case number. The complaint further alleged that Roberts and Leftwich had filed a separate IGO complaint five days before their civil complaint but emphasized that “full exhaustion of an inmate grievance complaint can take more than a year, and that there are no other available administrative remedies available that provide emergency or other relief.”

In support of his accompanying request for waiver of prepaid costs, Roberts stated, under oath, that he is incarcerated, indigent, and has no source of income. The circuit court denied the request because Roberts had not shown he “possesse[d] a reasonable likelihood of success on the merits of the claim[,]” and gave him 30 days to supplement his waiver request.

Roberts filed a timely supplement. In addition to reasserting the futility of exhausting his administrative remedies, Roberts argued that he possessed a reasonable

likelihood of success on the merits because one of the Department Employees “abused [her] authority and discretion . . . for the sole specific and malicious intent of retaliating against [Roberts and Leftwich] for staff misconduct complaints filed against her, when she knowingly and willfully deviated from succinctly established, and constitutionally protected, DPSCS/DOC procedures governing DOC procedures and inmate rights[.]” Notably, Roberts did not allege any new facts in the supplement. Instead, he asserted that the “facts and circumstances set forth in the verified complaint . . . constitute[d] cognizable and meritorious claims that [the Department Employees] knowingly and willfully subjected [Roberts and Leftwich] to conditions of confinement that violated and/or deprived [them] of the constitutional protections against the same.” The court denied the waiver request, stating that it had “determined that the claim/appeal [was] frivolous.”

To demonstrate sufficient cause for a fee waiver, an inmate must do “more than just recit[e] the statutory language.” *Williams v. Cir. Ct. for Wash. Cnty.*, 196 Md. App. 169, 178 (2010). “It is essential to state the basis of one’s claim with ‘sufficient particularity,’ such that the court can make a determination as to its validity, and the claimant’s likelihood of success on the merits.” *Id.* We review a circuit court’s denial of an inmate’s request for waiver of prepayment of filing fees for an abuse of discretion. *Massey v. Inmate Grievance Off.*, 153 Md. App. 691, 697 (2003).

Here, Roberts and Leftwich provided no information in their initial complaint connecting Roberts’s prior IGO complaint with the Department Employee’s denial of their request to be housed together beyond their bald allegation that the two were related. Further, they did not state any facts showing that the decision deviated from any established

policy or procedure. And when the circuit court asked for additional information, Roberts and Leftwich provided no new facts. Consequently, the circuit court could not determine the seriousness of their concerns or their likelihood of success on the merits. Therefore, we conclude that the court did not abuse its discretion in declining to waive prepaid costs. *See Massey*, 153 Md. App. at 696 (affirming an order denying a motion to waive costs because “[Massey] provided no information regarding the basis of his claim that would have permitted the trial court to assess whether Massey had a reasonable likelihood of success on the merits.”).

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