

Circuit Court for Prince George's County
Case No. CAL11-36992

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1128

September Term, 2019

JOSEPHAT MUA

v.

BOARD OF EDUCATION FOR PRINCE
GEORGE'S COUNTY, *et al.*

Graeff,
Arthur,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 8, 2021

*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 2013, the Circuit Court for Prince George’s County dismissed, with prejudice, a series of claims that Josephat Mua, appellant, brought against the Board of Education of Prince George’s County; various school officials; and the Association of Classified Employees, American Federation of State, County, and Municipal Employees Local 2250 and International, appellees. All the claims raised by Mr. Mua arose from the Board of Education’s decision to terminate his employment as an IT technician. This Court affirmed the dismissal of those claims on direct appeal. *See Mua v. Prince George’s Cty. Bd. of Educ., et al.*, No. 1043, Sept. Term 2013 (Md. App. July 9, 2015). In May 2019, Mr. Mua filed a “Resubmitted Motion to Reopen Case to Alter and Amend Judgment Due to Irregularities, Fraud and Mistakes (motion to alter or amend the judgment),” wherein he sought to vacate the circuit court’s order dismissing his complaint. The court denied the motion without a hearing.

Although Mr. Mua presents seven questions on appeal, none of them address the merits of the court’s order dismissing his motion to alter or amend the judgment. Rather, they are the exact same questions that he raised, and this Court rejected, in his prior appeal from the circuit court’s order dismissing his 2013 complaint. Consequently, those claims are barred by the law of the case doctrine and we will not consider them again in this appeal. *See Kline v. Kline*, 93 Md. App. 696, 700 (1992) (noting that “a ruling by an appellate court upon a question becomes the law of the case and is binding on the courts and litigants in further proceedings in the same matter”).

Finally, because Mr. Mua does not present any arguments in his brief with respect to the denial of the motion to alter or amend judgment, we need not consider that issue on

appeal. *Anne Arundel County v. Harwood Civic Ass’n Inc.*, 442 Md. 595, 614 (2015) (“[A]rguments not presented in a brief or not presented with particularity will not be considered on appeal.” (citation omitted)). Nevertheless, even if the issue had been properly raised, we would find no error. Because the motion to alter or amend judgment was filed more than 30 days after the entry of judgment, we construe it as a motion to vacate the judgment pursuant to Maryland Rule 2-535(b), as that is the only possible avenue under which he could have obtained relief from that judgment. *See Kent Island, LLC v. DiNapoli*, 430 Md. 348, 366 (2013) (noting that after 30 days have passed after the entry of a final judgment, a court may only modify its judgment upon a motion filed pursuant to Rule 2-535(b)).¹ And none of the claims raised in the motion demonstrate the existence of fraud, mistake, or irregularity within the meaning of that Rule. *See generally Peay v. Barnett*, 236 Md. App. 306, 321 (2018) (“Maryland courts have narrowly defined and strictly applied the terms fraud, mistake, [and] irregularity, to ensure finality of judgments.” (citation omitted)). Consequently, the court did not abuse its discretion in denying the motion to alter or amend the judgment.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO BE
PAID BY APPELLANT.**

¹ Although Mr. Mua’s motion to alter or amend the judgment also cited Fed. Rule Civ. Pro. 60(b) that rule only applies to cases filed in Federal court.