

Circuit Court for Allegany County  
Case No. C-01-CV-22-000465

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2007

September Term, 2022

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STEPHEN NOLAN

v.

SECRETARY OF THE DEPARTMENT OF  
PUBLIC SAFETY AND  
CORRECTIONAL SERVICES

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Nazarian,  
Reed,  
Sharer, J. Frederick  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: March 29, 2024

\*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

Stephen Nolan, appellant, appeals from the denial, by the Circuit Court for Allegany County, of a request for waiver of prepaid costs. For the reasons that follow, we shall affirm the judgment of the circuit court.

Mr. Nolan is incarcerated in the North Branch Correctional Institution in Cumberland. On December 2, 2022, Mr. Nolan filed in the circuit court a petition for judicial review of a decision of the Inmate Grievance Office of the Department of Public Safety and Correctional Services. Mr. Nolan also filed the request for waiver of prepaid costs. The court denied the request on the ground that Mr. Nolan “failed to provide a written showing under oath the information prescribed by” Md. Code (1974, 2020 Repl. Vol., 2022 Supp.), §§ 5-1002(c) and 5-1003 of the Courts & Judicial Proceedings Article (“CJP”).

Mr. Nolan contends that, for numerous reasons, the court erred in denying the request. We disagree. CJP § 5-1002(c) states, in pertinent part, that a “court may waive payment of the entire required filing fee for a civil action filed by a prisoner only on a written showing under oath by the prisoner that . . . [t]he prisoner possesses a reasonable likelihood of success on the merits of the claim.” CJP § 5-1003(b)(1) states that “[w]hen a prisoner files a civil action, the prisoner shall attach to the initial complaint proof that administrative remedies have been exhausted.” Mr. Nolan did not include either showing in the petition or request, and hence, the court did not err in denying the request.

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