

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1872

September Term, 2015

BERNARD STATEN

v.

SHANE SAMMONS

Krauser, C.J.,
Nazarian,
Moylan, Charles, E., Jr.
(Retired, Specially Assigned),

JJ.

PER CURIAM

Filed October 31, 2016

*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.

Bernard Staten, appellant, filed, *pro se*, a complaint against Shane Sammons, appellee, in the Circuit Court for Baltimore County, alleging excessive force, false imprisonment, invasion of privacy, gross negligence, malicious conduct, and a violation of the Maryland Declaration of Rights. The circuit court dismissed Staten’s lawsuit, on appellee’s motion, as barred by the statute of limitations and for failure to comply with the Local Government Tort Claims Act. On appeal, Staten contends that he complied with the Maryland Tort Claims Act, which he claims applies to this case, and that the circuit court erred in dismissing his complaint.

Even if we were to assume for present purposes that Staten’s lawsuit was governed by the Maryland Tort Claims Act, and not the Local Government Tort Claims Act, and that Staten complied with the notice requirements set forth therein, the circuit court still did not err in dismissing his complaint. All of Staten’s claims against appellee are governed by Md. Code Ann., Cts. & Jud. Proc. § 5-101, which provides that: “A civil action at law shall be filed within three years from the date it accrues unless another provision of the Code provides a different period of time within which an action shall be commenced.” Because all of Staten’s causes of action accrued on March 18, 2010, the date of his arrest, and because he did not file his complaint until August 1, 2014, over four years later, the claims were barred by the statute of limitations. Moreover, to the extent Staten argued in the circuit court that his incarceration should have tolled the statute of limitations, he did not make that argument in his brief and, in any event, that contention is without merit. *See*

Md. Code Ann., Cts. & Jud. Proc. § 5-201(c) (“Imprisonment, absence from the State, or marriage are not disabilities which extend the statute of limitations.”).

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