

Circuit Court for Baltimore City
Case No. 24-C-19-002368

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2225

September Term, 2019

RANDALL MARTIN

v.

OFFICE OF THE STATE'S ATTORNEY
FOR BALTIMORE CITY

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

JJ.

PER CURIAM

Filed: February 9, 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 this appeal from a civil action in the Circuit Court for Baltimore City, Randall Martin, appellant, challenges the denial of a motion for order of default against the Office of the State’s Attorney for Baltimore City, appellee. For the reasons that follow, we shall dismiss the appeal.

On April 16, 2019, Mr. Martin filed a complaint “requesting judicial review of” the State’s Attorney’s “failure to comply” with “a Maryland Public Information Act . . . request.” On August 26, 2019, Mr. Martin filed a motion for order of default on the ground that the “time for pleading has expired and the . . . State[’]s Attorney . . . has failed to plead.” On September 17, 2019, the court denied the motion “for failure to effect and to demonstrate service of process in accordance with the Maryland Rules of Court and otherwise for failure to comply with Maryland Rule 2-613.” On December 5, 2019, Mr. Martin filed an “application for leave to appeal from the denial of relief,” which we have treated as a notice of appeal.

Mr. Martin contends that, for various reasons, the court erred in denying the motion for order of default and “abused its discretion [in] fail[ing] to sanction the State’s Attorney . . . for violat[ing]” Rule 4-263. Assuming, *arguendo*, that the court’s judgment is appealable, Mr. Martin failed to appeal from the judgment within thirty days after entry of the judgment as required by Rule 8-202(a) (a “notice of appeal shall [generally] be filed within 30 days after entry of the judgment or order from which the appeal is taken”). Hence, the appeal is untimely, and accordingly, we shall dismiss the appeal.

**APPEAL DISMISSED. COSTS TO BE PAID
BY APPELLANT.**