

UNREPORTED  
IN THE APPELLATE COURT  
OF MARYLAND

No. 2266

September Term, 2024

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IN THE MATTER OF RICHARD MOISE

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Graeff,  
Beachley,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: September 17, 2025

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

Richard Moise, appellant, filed a complaint in the Circuit Court for Wicomico County against the Office of the State’s Attorney for Wicomico County (the Office) after it denied his request for access to certain records related to his criminal cases. On July 13, 2023, the Office filed a motion to dismiss the complaint, in which it contended that, for numerous reasons, Mr. Moise “fail[ed] to state a claim upon which relief may be granted.” On July 17, 2023, Mr. Moise filed a motion for partial summary judgment. On July 24, 2023, the court denied the motion for partial summary judgment. On August 25, 2023, the court held a hearing on the motion to dismiss and other pending motions. Following the hearing, the court dismissed the complaint without prejudice, but granted appellant leave to file an amended complaint.

Appellant filed a notice of appeal, and this Court dismissed the appeal as having been taken from a non-final judgment because the court had granted him leave to amend the complaint. *In the Matter of Richard Moise*, No. 1320, Sept. Term 2023 (filed December 4, 2024). After the mandate issued, appellant filed a “Request for Certificate of Appealability” wherein he indicated that he did not intend to file an amended complaint, and requested the court to enter a final judgment so that he could file a new notice of appeal. The circuit court denied the request without a hearing. This appeal followed.

Appellant’s sole contention on appeal is that the court abused its discretion in denying his request to enter an order dismissing his complaint with prejudice. The State agrees, as do we. “If an amended complaint is not filed within the time allowed by the court or by [Rule 2-322(c)], an additional order must be entered to effect dismissal of the action.” *Mohuiddin v. Drs. Billing & Mgmt. Sols., Inc.*, 196 Md. App. 439, 456 (2010). Here, the

circuit court did not set a time within which appellant could amend his complaint. Therefore, he had 30 days after the court dismissed his complaint to file an amended complaint. *See* Maryland Rule 2-322(c) (stating that if the court does not fix a time, “[t]he amended complaint shall be filed within 30 days after entry of the order [granting the motion to dismiss]).” Here, appellant not only failed to file an amended complaint within 30 days, but he also filed a motion clearly stating that he did not intend to file an amended complaint at any point in the future. Consequently, the court abused its discretion in not granting his request to effect dismissal of the action. We shall, therefore, reverse the judgment and remand the case to the circuit court to enter a final judgment dismissing appellant’s complaint.

**JUDGMENT OF THE CIRCUIT  
COURT FOR WICOMICO COUNTY  
REVERSED AND CASE REMANDED  
FOR FURTHER PROCEEDINGS  
CONSISTENT WITH THIS OPINION.  
COSTS TO BE PAID BY WICOMICO  
COUNTY.**