

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2538

September Term, 2016

RICHARD MADUAKO

v.

ELEANOR MADUAKO

Woodward, C.J.,
Beachley,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 6, 2018

*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.

Richard Maduako (“Father” or appellant) and Eleanor Maduako (“Mother” or appellee) were divorced in 2007 by order of the Circuit Court for Prince George’s County. As part of the order of divorce, the court ordered Father to pay child support for the couple’s three children. Since that time, Father has accumulated an arrearage of some \$40,000. On October 17, 2016, the Prince George’s County Office of Child Support Enforcement (“OCSE”) filed a petition to modify child support. In the petition, OCSE stated that Father had advised them that he was unemployed. Additionally, two of the children were emancipated by age.

A hearing was held before a magistrate on January 11, 2017. At the conclusion of the hearing, the magistrate stated that he would recommend denying the modification. Father immediately filed a motion for reconsideration.¹ The magistrate thereafter issued a proposed order denying the modification. On February 9, 2017, Father noted an appeal to this Court. On February 16, 2017, the circuit court accepted the magistrate’s recommendation and denied the modification. Father did not appeal the circuit court’s order.

Father contends that the decision denying his petition for modification was not legally correct because two of the children have been emancipated by age. Furthermore, he maintains that he is in poor financial circumstances. This Court, however, does not have jurisdiction to rule on this matter, and we shall dismiss this appeal. We explain.

¹ Father’s motion was not treated as exceptions to the magistrate’s recommendation.

Pursuant to Rule 8-202(a), “the notice of appeal shall be filed within 30 days **after** entry of the judgment or order from which the appeal is taken.” (Emphasis added). Father filed a notice of appeal *before* the circuit court’s order, not after the order was issued. Moreover, there is no provision in the Maryland Rules or Maryland law for an appeal of a magistrate’s proposed order directly to this Court. Rather, the proper procedure to challenge a magistrate’s proposed order is to file exceptions in the circuit court. *See* Rule 2-541(g)(1) (requiring exceptions to a magistrate’s recommendation to be filed within ten days of the magistrate’s written report and to “set forth the asserted error with particularity”). Accordingly, Father’s February 9, 2017 notice of appeal does not encompass the circuit court’s February 16, 2017 order denying the modification of child support. This Court, therefore, has no jurisdiction, and we shall dismiss the appeal. *See Carter v. State*, 193 Md. App. 193, 206 (2010).

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