

Circuit Court for Washington County
Case No. C-21-CV-21-000053

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 252

September Term, 2021

AARON ROBERTS

v.

ROBERT L. GREEN, et al.

Graeff,
Ripken,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 28, 2022

*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.

Aaron Roberts, appellant, appeals from the denial, by the Circuit Court for Washington County, of a petition for waiver of costs of a petition for writ of mandamus against Robert L. Green, Secretary of the Department of Public Safety & Correctional Services, and four employees of the Inmate Grievance Office, appellees. For the reasons that follow, we shall affirm the judgment of the circuit court.

On February 10, 2021, Mr. Roberts, who is an inmate in the Division of Corrections, filed the petition for writ of mandamus, in which he contended that “[s]ince January of 2017, [appellees] have mishandled (i.e. improperly filed), disregarded[,] or administratively dismissed, on preliminary review, at least thirty-six (36) of [his inmate] grievance complaints.” Mr. Roberts further contended that “[m]any of the grievance complaints . . . were knowingly or negligently[,] improperly or fraudulently docketed by [appellees as] substantiated administrative dismissals, alleging untimely submission or failure to exhaust, [constituting] due process violations.” Mr. Roberts requested “declaratory relief, as well as compensatory and punitive damages.” Mr. Roberts simultaneously filed the petition for waiver of costs, in which he affirmed that he was “without funds and unable to obtain any funds whatsoever from anyone . . . to pay for” the fee to file the petition for writ of mandamus. The court subsequently denied the petition for waiver of costs on the ground that the petition for writ of mandamus “appear[ed], on its face, to be frivolous.” Mr. Roberts filed a motion for reconsideration, which the court also denied.

Mr. Roberts contends that, for numerous reasons, the court abused its discretion in denying the petition for waiver of costs. We disagree. The Court of Appeals has long held

that a writ of mandamus is “an extraordinary remedy,” and “judicial review is properly sought through a writ of mandamus” only “where there is no statutory provision for hearing or review[.]” *Goodwich v. Nolan*, 343 Md. 130, 145-46 (1996) (internal citations, quotations, brackets, and footnote omitted). Here, there exists a statutory provision for hearing or review of the administrative dismissal of an inmate grievance, specifically Md. Code (1999, 2017 Repl. Vol., 2021 Supp.), § 10-210(b)(1) of the Correctional Services Article (“[t]he complainant is entitled to judicial review of the final decision of the Secretary”). Indeed, Mr. Roberts conceded in his petition for writ of mandamus that he availed himself of this remedy following the dismissals of 27 of his grievances. Because this remedy was available to Mr. Roberts following the dismissals of his grievances, he may not seek judicial review of the dismissals through a writ of mandamus, and hence, the court did not abuse its discretion in denying the petition for waiver of costs on the ground that the petition for writ of mandamus appears, on its face, to be frivolous.

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