

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

Nos. 257 & 750

September Term, 2025

DANTE JEFFRIES

v.

STATE OF MARYLAND

Arthur,
Shaw,
Beachley, Donald E.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: March 23, 2026

*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.

The Circuit Court for Prince George’s County dismissed, without prejudice, two civil actions filed by Dante Jeffries, appellant, against the State of Maryland, appellee. The court dismissed one complaint for improper service and the second complaint for both improper service and failure to comply with the Local Government Tort Claims Act (LGTCA). Appellant’s sole claim on appeal is that the court erred in dismissing his complaints. The State concedes that the court’s basis for dismissing both complaints was erroneous but further contends that both lawsuits are barred by the doctrine of sovereign immunity. It acknowledges, however, that this Court cannot convert a without-prejudice dismissal into a with-prejudice dismissal and requests that we remand the case for the circuit court to consider its sovereign immunity defense. For the reasons that follow, we shall reverse the judgments of the circuit court and remand both cases for further proceedings.

On October 29, 2024, appellant filed a lawsuit in Case No. C-16-CV-24-005188, claiming that appellee had violated his civil rights when a Prince George’s County police officer had stopped him for various traffic offenses in September 2024. The State filed a motion to dismiss for improper service. But appellant corrected the service issue before the court ruled on the motion to dismiss. The State later filed a second motion to dismiss, claiming that it had sovereign immunity for claims arising out of the acts of local law enforcement officers. But the circuit court did not address the sovereign immunity issue and entered an order dismissing the case without prejudice for “lack of proper service.” Appellant filed a notice of appeal from that order, which was docketed as Appeal No. 750, Sept. Term 2025.

On November 15, 2024, appellant filed a second lawsuit against appellee in Case No. 16-CV-24-005487, claiming that his civil rights were violated when a Prince George’s County police officer stopped him on a different occasion for driving with an expired license. The State also filed a motion to dismiss for improper service in that case. But again, appellant corrected service before the motion to dismiss was ruled on. The State then filed a second motion to dismiss on sovereign immunity grounds. The court subsequently entered an order dismissing the case without prejudice, and in a clarifying order, specifically stated that it was dismissing the case for “[i]mproper service” and for appellant not being “in compliance with the [Local Government Tort Claims Act].” Appellant filed a notice of appeal from that order which was docketed as Appeal No. 257, Sept. Term 2025. This Court entered an order on August 4, 2025, consolidating appellant’s appeals.

The State concedes, and we agree, that the court erred in dismissing both of appellant’s complaints for improper service because the service issue had been corrected by appellant prior to the court ruling on the State’s motions to dismiss. Moreover, the court also erred in dismissing appellant’s complaint in Case No. 16-CV-24-005487 for failure to comply with the LGTCA because appellant was suing the State, not a local government.

Although the State also filed motions to dismiss in each case asserting that appellant’s claims were barred by the doctrine of sovereign immunity, the court did not rule on that issue. But even if the State’s sovereign immunity defense has merit, we cannot affirm on that basis, as such a dismissal would ordinarily be with prejudice, and this Court cannot convert a without-prejudice dismissal into a with-prejudice dismissal. *See Berman*

v. Karvounis, 308 Md. 259, 264 (1987). Consequently, we shall reverse the judgments and remand both cases to the circuit court to address the State’s motions to dismiss on sovereign immunity grounds.¹

**JUDGMENTS REVERSED AND
CASES REMANDED TO THE
CIRCUIT COURT FOR FURTHER
PROCEEDINGS CONSISTENT WITH
THIS OPINION. COSTS TO BE PAID
BY PRINCE GEORGE’S COUNTY.**

¹ Although we decline to resolve the sovereign immunity issue, we note that the State has only waived its sovereign immunity to the extent that the alleged tortious conduct is committed by State personnel. *See State v. Card*, 104 Md. App. 439, 447, (1995) (“There is nothing in the [MTCA] itself, or in its history, suggesting an intent that the State be liable for the conduct of persons other than those included within the definition of ‘State personnel[.]’”). And municipal police are not defined as State personnel for the purposes of the MTCA. *See State Gov’t Art. § 12-101(a)*.