

Circuit Court for Montgomery County
Case No. 451984V

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1633

September Term, 2019

MALCOLM BURKE

v.

CELIA MARTIN, *et al.*

Beachley,
Gould,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: December 15, 2020

*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 2018, Malcom Burke, appellant, filed a complaint for declaratory and injunctive relief against Celia and John Martin, appellees, in the Circuit Court for Montgomery County. Specifically, Mr. Burke asked the court to declare that the Martins were violating the Montgomery County Code by maintaining fencing and landscaping in a right-of-way and to issue an injunction requiring them remove that fencing and landscaping. On July 31, 2019, the court entered an order dismissing the complaint, finding that Mr. Burke lacked standing to seek a declaratory judgment and that his claim for injunctive relief was moot in light of the fact that the Montgomery County Department of Permitting Services had issued a permit to the Martins allowing them to maintain, repair, or replace the fencing and landscaping.

On August 19, 2019, Mr. Burke filed a “Motion for Revision of Dismissal Order Pursuant to Rule 2-535” (motion to revise) wherein he claimed, *inter alia*, that the permit issued to the Martins “does not exist or is an invalid administrative act and a nullity.” Mr. Burke requested a hearing on the motion. The court denied the motion without a hearing on October 7, 2019. Mr. Burke then filed a notice of appeal. We subsequently issued an order limiting the appeal to the October 7 order, as Mr. Burke did not file a timely notice of appeal from the July 31 order dismissing his complaint.

Mr. Burke’s sole contention on appeal is that the court erred in denying his motion to revise without holding a hearing. As an initial matter, we note that there is some dispute between the parties as to whether Mr. Burke’s motion to revise was filed pursuant to Maryland rule 2-535(a) or 2-535(b). However, in either case, no hearing was required. *See*

Llanten v. Cedar Ridge Counseling Centers, LLC, 214 Md. App. 164 (2013) (“The denial of a motion to alter or amend or a motion to revise [pursuant to Rule 2-535(a)] is not a dispositive motion and therefore, requires no hearing even if one is requested.”); *Shih Ping Li v. Tzu Lee*, 210 Md. App. 73, 116 (2013) (“Nothing in the Maryland Rules requires a hearing when a motion to revise a judgment based on ‘fraud, mistake, or irregularity’ is denied.”). Moreover, because Mr. Burke does not specifically claim that the court erred in denying the motion to revise on the merits, we do not consider that issue on appeal. *See Anne Arundel County v. Harwood Civic Ass'n, Inc.*, 442 Md. 595 614 (2015) (“Arguments not presented in a brief or not presented with particularity will not be considered on appeal.” (citation omitted)). Consequently, we shall affirm the judgment of the circuit court.

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