

Circuit Court for Howard County  
Case No.: 13-C-0977476

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 1754

September Term, 2017

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AARON LEMON

v.

THERESA LEMON

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

JJ.

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PER CURIAM

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Filed: November 21, 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.

In 2010, Aaron Lemon, appellant, and Theresa Lemon, appellee, were granted an absolute divorce by the Circuit Court for Howard County. On February 11, 2011, the court granted Theresa Lemon physical and legal custody of their one minor child, and visitation rights to appellant. Appellant, a self-represented litigant, did not appeal the 2011 custody order, but instead attacked its validity repeatedly, to no avail, in motions to void the judgment.

In July of 2013, the court notified appellant of its intent to issue a pre-filing order, enjoining appellant from filing any further pleadings or papers unless leave of the court was first obtained. Appellant was given 10 days to file a response to that notice. In August of 2013, after no response or objection from appellant, the court issued the pre-filing order. Appellant did not appeal that order.

On September 22, 2017, appellant filed yet another motion to vacate the 2011 custody award, but, without first seeking leave of the court. A month later, the court struck the motion because appellant had not sought leave of the court to file it, and because appellant was raising the same arguments which the court had already addressed on “numerous prior occasions.” Appellant appeals that order.

Appellant’s brief raises several questions, only one of which is properly before us. Reworded it is, “Did the circuit court err by striking appellant’s motion to vacate?”<sup>1</sup> We answer in the negative and affirm.

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<sup>1</sup> The other questions raised, reworded, are:

“[A] pre-filing order is a *sua sponte* injunction and, if properly issued, is a remedy available to a Maryland court to control the actions of a vexatious or frivolous litigant.” *Riffin v. Circuit Court for Baltimore County*, 190 Md. App. 11, 29 (2010). We note that appellant failed to appeal the court’s pre-filing order and, therefore, the validity of that order is not before us. Also, the record indicates that appellant was aware of the order because he had previously complied with it. Under these circumstances, we hold that the circuit court did not err in striking appellant’s motion to vacate based on his failure to comply with the pre-filing order.

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

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1. Is it in the best of interest of the child to remove the minor child from appellant’s custody to appellee’s?
  2. Does this court agree with the findings of fact in the 2011 custody order?
  3. Did the circuit court abuse its discretion in rendering the 2011 custody order?
  4. Does the court possess the authority to issue the 2013 pre-filing order?