

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1754

September Term, 2025

IN THE MATTER OF ERIC RODRIGUEZ

Zic,
Tang,
Zarnoch, Robert A.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 6, 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.

Eric Rodriguez, appellant, appeals from a final judgment of the Circuit Court for Baltimore County striking his notice of appeal as untimely filed. On appeal, he asserts that the court abused its discretion in striking his notice of appeal because there was “clear and convincing evidence in the record that [he] filed his notice of appeal timely[.]” For the reasons that follow, we shall affirm.

Appellant filed a petition for judicial review in the circuit court from a decision of the Public Information Act Compliance Board. The court entered a final judgment affirming the Board’s decision on November 22, 2024. Appellant filed a motion for reconsideration on December 6, 2024, which the court denied on January 2, 2025. On October 16, 2025, appellant filed a notice of appeal. Thereafter, the court issued an order directing appellant to show cause why the notice of appeal should not be stricken as having been untimely filed. Appellant filed a response claiming that he had filed a timely notice of appeal, “but somehow, the clerk’s office had managed to docket [his] motion for reconsideration but did not docket [his] notice of appeal.”¹ The court subsequently entered an order finding that appellant had “not shown sufficient cause as to why the Notice of Appeal . . . should not be stricken.” This appeal followed.

Maryland Rule 8-203 authorizes the circuit court to strike a notice of appeal that has not been filed within the time prescribed by Rule 8-202(a). Rule 8-202(a) provides that “the notice of appeal shall be filed within 30 days after entry of the judgment or order from

¹ Appellant attached two exhibits to his response which included various court documents. However, none of those documents were clearly relevant as to whether he had timely filed his notice of appeal in the instant case.

which the appeal is taken.” Here appellant’s notice of appeal was filed approximately ten months after the court denied his timely filed motion for reconsideration. Appellant nevertheless claims that the court abused its discretion in striking the notice of appeal because he had demonstrated “good cause” to excuse the untimely filing, specifically that the clerk’s office had failed to docket a notice of appeal that he allegedly filed in December 2024. We disagree.

In *In re Robert G.*, 296 Md. 175 (1983), our Supreme Court held that Maryland follows the definition of good cause in Black’s Law Dictionary:

Substantial reason, one that affords a legal excuse. Legally sufficient ground or reason. Phrase ‘good cause’ depends upon circumstances of individual case, and finding of its existence lies largely in discretion of officer or court to which decision is committed ‘Good cause’ is a relative and highly abstract term, and its meaning must be determined not only by verbal context of statute in which term is employed but also by context of action and procedures involved in type of case presented.

296 Md. at 179 (quoting BLACK’S LAW DICTIONARY 623 (5th ed. 1979)); *see also Meek v. Linton*, 245 Md. App. 689, 720–21 (2020). “When ‘good cause’ is used as an undefined term in a statute, it is a ‘flexible term’ that is ‘not amenable to general rules or rigid formulas. Instead, its meaning must be deduced from the facts of each case in a manner that is consistent with the [statute’s] fundamental purpose.’” *Caldwell v. Sutton*, 256 Md. App. 230, 273 (2022) (quoting *Meek*, 245 Md. App. at 721). We apply an abuse of discretion standard in reviewing a court’s finding of good cause. *See In re Robert G.*, 296 Md. at 177.

In the instant case, appellant’s response to the show cause order consisted of a single conclusory statement that the clerk’s office had failed to file his notice of appeal. That

statement was not made under oath or supported by an affidavit. *See* Maryland Rule 2-311(d) (“A motion or a response to a motion that is based on facts not contained in the record shall be supported by affidavit[.]”). And appellant presented no additional admissible evidence in support of his claim. Moreover, appellant provided no explanation as to why, if the clerk had in fact failed to docket his notice of appeal, he waited almost ten months after his motion for reconsideration was denied to remedy that issue and file a new notice of appeal. Under these circumstances, we cannot say that the court abused its discretion in finding that appellant had failed to demonstrate good cause and therefore in striking his notice of appeal as untimely.

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