

Circuit Court for Baltimore County
Case No.: C-03-FM-25-811198

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 1758

September Term, 2025

MICHAEL JENKINS

v.

CHERYL LEVIT

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.

Appellant Michael Jenkins appeals from an order issued by the Circuit Court for Baltimore County granting a final protective order against him, and in favor of appellee Cheryl Levit. He presents three issues for our review.

First, Jenkins contends that the court abused its discretion by denying a continuance. On September 19, 2025—the morning of the final protective order hearing—Jenkins moved for a postponement to allow him additional time to prepare and to retain counsel. Jenkins had been incarcerated for a period before the hearing, and he contended that this prevented him from adequately preparing.¹ We review the court’s denial of his request for an abuse of discretion. *See Touzeau v. Deffinbaugh*, 394 Md. 654, 669 (2006). The record reflects that Jenkins was served with the petition and temporary protective order on September 5 and again on September 12. Consequently, postponing the hearing would have required the court to extend the temporary protective order for a second time,² which the court could do only “as needed . . . to effectuate service of the order where necessary to provide protection or for other good cause.” Md. Code Ann., Fam. Law § 4-505(c). The circuit court determined that allowing Jenkins more time to prepare for the hearing—when he had known about the protective order proceedings since at least September 5—was not sufficient good cause to further extend the temporary protective order. Under the

¹ We note that, although raised in his written motion, Jenkins did not mention at the hearing his incarceration or his desire to retain counsel as a reason to grant a continuance. He stated only that he wanted more time to “look into” an alleged issue with service.

² The temporary protective order was issued after an *ex parte* hearing on September 5 and extended for a period of seven days after a hearing on September 12 to enable Levit to effectuate service because, at the time, it was unclear whether Jenkins had been served.

circumstances, we cannot say that “no reasonable person would take the view adopted by the court[.]” *Serio v. Baystate Props., LLC*, 209 Md. App. 545, 554 (2013) (cleaned up). The court, therefore, did not abuse its discretion in denying a continuance. *See Touzeau*, 394 Md. at 671 (reaffirming that the denial of a continuance that “had the effect of leaving the moving party without the benefit of counsel[.]” is not an abuse of discretion).

At the same time he moved for a continuance, Jenkins also moved to dismiss because the Return of Service for the initial temporary protective order had not yet been docketed. Jenkins’s *second* contention on appeal is that the court erred in denying this motion. But he conceded in the motion that he had, in fact, been served. Jenkins repeated this concession at the hearing and admitted that he was also served with the extended temporary protective order on September 12. Thus, to the extent the delay in docketing the Return of Service created any due process concerns, those concerns were satisfied by Jenkins’s admission of actual notice.³ *See Brown v. Handgun Permit Rev. Bd.*, 188 Md. App. 455, 469–70 (2009). As a result, the court did not err in denying Jenkins’s motion to dismiss.

Finally, Jenkins contends the evidence was insufficient to support the protective order because the only evidence Levit presented was her testimony. Jenkins does not dispute that Levit testified to facts sufficient to support the protective order. Rather, he

³ In his brief, Jenkins seems to argue that the court should have dismissed the protective order because the delay in docketing the Return of Service for the initial temporary protective order prevented him from appearing at the September 12 hearing. He did not raise this argument in the circuit court, however, and so has failed to preserve it for our review. *See DiCicco v. Balt. Cnty.*, 232 Md. App. 218, 224–25 (2017). *See also* Md. Rule 8-131(a).

argues that her testimony lacked the “convincing force” required because it was not supported by other evidence and was undercut by her prior inconsistent statements. But the court was “entitled to accept—or reject—*all, part, or none* of” Levit’s testimony, “whether that testimony was or was not contradicted or corroborated by any other evidence.” *Omayaka v. Omayaka*, 417 Md. 643, 659 (2011) (emphasis in original). It is “not our role, as an appellate court, to second-guess the [circuit court’s] assessment of a witness’s credibility.” *Gizzo v. Gerstman*, 245 Md. App. 168, 203 (2020). Put simply, Levit was not required to present any evidence other than her own testimony, and the circuit court was entitled to accept that testimony based on its assessment of Levit’s credibility. Accordingly, we shall affirm its judgment.

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