

Circuit Court for Baltimore County
Case No.: C-03-CV-23-001953

UNREPORTED*

IN THE APPELLATE COURT

OF MARYLAND

No. 2131

September Term, 2024

ANTHONY QUINN WHEELER, JR.

v.

GIANT OF MARYLAND, LLC

Wells, C.J.,
Graeff,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 2, 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 Anthony Quinn Wheeler, Jr., sued his former employer, appellee Giant of Maryland, LLC, in the Circuit Court for Baltimore County, alleging racial discrimination, wrongful discharge, and defamation. Giant removed the case to the United States District Court for the District of Maryland, which ultimately dismissed Wheeler’s federal claims but declined to rule on his state law claims, instead remanding them to the circuit court.

After the case was remanded, Wheeler filed an amended complaint alleging the same causes of action—including his previously dismissed federal claims—and Giant moved to dismiss for failure to state a claim for relief. After a hearing, the circuit court granted the motion and dismissed the case. This appeal followed.

Wheeler first seems to seek review of the federal court’s dismissal of his federal claims. We lack jurisdiction to do so. *See* Md. Code Ann., Cts. & Jud. Proc. § 12-301 (Unless otherwise authorized by law, “a party may appeal [to this Court] from a final judgment entered in a civil or criminal case by a circuit court.”). *See also* 28 U.S.C.A. § 1291 (“The [federal] courts of appeals . . . shall have jurisdiction of appeals from all final decisions of the district courts of the United States[.]”). To the extent that Wheeler contends the circuit court should have considered the merits of his previously dismissed federal claims, even if preserved, we disagree. Here, the District Court dismissed Wheeler’s federal claims against Giant with prejudice, and he did not appeal to the United States Court of Appeals for the Fourth Circuit. As a result, any attempt to bring the same claims against Giant is barred by principles of *res judicata*, and the circuit court could not have considered

them. *See Anne Arundel Cnty. Bd. of Educ. v. Norville*, 390 Md. 93, 103 (2005); *Lizzi v. Washington Metro. Area Transit Auth.*, 384 Md. 199, 211–12 (2004).

As for Wheeler’s claims of wrongful discharge and defamation, we review the granting of a motion to dismiss to determine whether the circuit court’s decision was legally correct. *See Tavakoli-Nouri v. State*, 139 Md. App. 716, 725 (2001). In doing so, “we view the well-pleaded facts of the complaint in the light most favorable to the appellant[.]” *Id.* (cleaned up). To survive dismissal, the complaint must plead the material facts “with sufficient specificity. Bald assertions and conclusory statements by the pleader will not suffice.” *Adamson v. Corr. Med. Servs., Inc.*, 359 Md. 238, 246 (2000) (cleaned up). Thus, we will affirm a dismissal “if the complaint does not disclose, on its face, a legally sufficient cause of action.” *Rossaki v. NUS Corp.*, 116 Md. App. 11, 18 (1997) (cleaned up).

To adequately plead a claim of wrongful discharge, a complaint must allege: (1) that the employee was discharged; (2) that the discharge “violat[ed] some clear mandate of public policy”; and (3) that there is a “nexus between the employee’s conduct and the employer’s decision to fire the employee.” *Wholey v. Sears Roebuck*, 370 Md. 38, 50–51 (2002). To plead the second element, the employee must identify “the policy in question with clarity, specificity, and authority.” *Bagwell v. Peninsula Reg’l Med. Ctr.*, 106 Md. App. 470, 495 (1995).

The operative complaint here failed to identify any clear mandate of public policy or plead facts sufficient to show that Giant violated such policy. As best we can tell, Wheeler generally claimed that he “refused to violate[] the law in a protected class,” but

the complaint does not allege that he was fired for refusing to violate any specific law or for exercising a particular legal right or duty. To be sure, liberally construed, the complaint alleges that Wheeler was fired because of his race. But that is not a basis for a claim of wrongful discharge because Maryland and federal anti-discrimination laws already provide a remedy. *See Makovi v. Sherwin-Williams Co.*, 316 Md. 603, 609 (1989). Thus, the complaint failed to state a claim of wrongful discharge.

To adequately plead a claim for defamation, the complaint must allege: (1) the defendant made a defamatory statement to a third person; (2) the statement was false; (3) the defendant was at fault in making the statement; and (4) the plaintiff suffered harm. *See Piscatelli v. Van Smith*, 424 Md. 294, 306 (2012). Here, the complaint generally alleges that Wheeler’s former manager made false statements to the police about Wheeler after an altercation at work. It does not identify any specific statement that was false or how it defamed him. What’s more, the complaint does not allege any facts showing that Wheeler was harmed by his former manager’s statement to the police; it does not claim he was detained, arrested, or charged with any crime. Consequently, the complaint failed to state a claim of defamation, and the circuit court did not err in dismissing it.¹

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

¹ On appeal, Wheeler also contends the circuit court erred in denying his motions alleging spoliation of evidence. Given our holding here, we need not address this issue.