

Circuit Court for Prince George's County  
Case No. CAL16-42881

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 2561

September Term, 2018

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ALEXANDER O. MATTHEWS

v.

COMPUSCRIBE, *et al.*

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Kehoe,  
Gould,  
Kenney, James A., III  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: January 2, 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.

On February 1, 2018, the Circuit Court for Prince George’s County entered an order dismissing a lawsuit that Alexander Otis Matthews, appellant, had filed against Compuscribe, Michael Burns, and Lisa Contreras, appellees. Mr. Matthews did not file a timely notice of appeal. On August 21, 2018, Mr. Matthews filed a motion for enlargement of time to appeal, claiming that he did not know the case had been dismissed because the clerk never sent him a copy of the February 1 order. The court denied that motion on September 18, 2018. Mr. Matthews now appeals raising a single issue: whether the court abused its discretion in denying his motion for enlargement of time to file a belated appeal. Finding no abuse of discretion, we shall affirm.

The circuit court does not have the power to extend the time for filing a notice of appeal in the absence of a statute, rule, or constitutional provision conferring that power. *Ruby v. State*, 121 Md. App. 168, 174 (1998) *vacated on other grounds*, 353 Md. 100 (1999). And there is no provision “in the Maryland Rules, or elsewhere, authorizing a trial court to extend the time within which notice of an appeal to the Court of Special Appeals shall be filed.” *Id.* (citation omitted). In fact, Maryland Rule 1-204(a) specifically provides that the circuit court “may not extent or shorten the time for filing . . . a notice of appeal.” Consequently, the circuit court did not abuse its discretion in denying Mr. Matthews’s motion for enlargement of time to file an appeal.

We nevertheless note that Mr. Matthews is not without a remedy. If the clerk in fact failed to send him a copy of the dismissal order, it would potentially be a “failure to follow required procedure,” and therefore, “an ‘irregularity’ within the meaning of Rule 2-535(b)” that would allow the court to vacate and re-enter its dismissal order. *Early v. Early*, 338

Md. 639, 653 (1995). Therefore, although we express no opinion on the merits of Mr. Matthews's claim that he did not receive the dismissal order or on whether there was any irregularity in the judgment, our decision in this case is without prejudice to Mr. Matthews being able to file a motion to vacate the dismissal order in the circuit court pursuant to Rule 2-535(b).

**JUDGMENT OF THE CIRCUIT  
COURT FOR PRINCE GEORGE'S  
COUNTY AFFIRMED. COSTS TO BE  
PAID BY APPELLANT.**