

Circuit Court for Washington County  
Case No: C-21-CV-18-000796

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 3186

September Term, 2018

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VALERIE ARROYO

v.

HAGERSTOWN POLICE DEPARTMENT,  
ET AL.

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Berger,  
Friedman,  
Woodward, Patrick L.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: March 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.

In December 2018, Valerie Arroyo, appellant, filed a complaint in the Circuit Court for Washington County naming the Hagerstown Police Department, the Washington County State’s Attorney Office, Kurtena Sumpter (a/k/a Kurtina S. Sumlin), and the State of Maryland as defendants. Her complaint centered on allegations that the defendants “fail to act, or stop, or prevent the excessive and harassment of arrest, toward the Plaintiff’s son . . . which cause [in]juries to the Plaintiff, and libel per se arising out of the tortious conduct.” She claimed that, “[a]ccording to the State of Maryland Judicial Case Search website, there is 76 total cases with Plaintiff’s son name, and there is over 52 cases that are his, from traffic, criminal, and violation of probation” from 2001 to date, which she maintains illustrates “profiling, or harassment, by the Defendants in their official capacity.” She sued the Defendants for abuse of process, negligence, breach of fiduciary duties, defamation, intentional infliction of emotion abuse and distress, abuse of power and position, and duress – all related to allegations that her adult son has been mistreated by the defendants. Ms. Arroyo was the sole plaintiff.

Ms. Arroyo also filed a request for waiver of prepaid costs. The circuit court found that she met the financial eligibility guidelines for the waiver and found that she was unable to pay the prepaid costs by reason of poverty, but also found that the complaint “does appear, on its face, to be frivolous” and denied the request “in whole.” The order, docketed on December 14, 2018, properly provided that, if the unwaived costs were not paid within ten days, “the pleading or papers filed will be considered withdrawn.” *See* Md. Rule 1-325(e)(3). On December 26, 2018, Ms. Arroyo filed pleadings she captioned “Motion to Reconsider” and a “Motion of Objection & Opposing Sua Sponte Order,” both of which

the court summarily denied on January 17, 2019. She then filed a notice of appeal, specifically stating that she was appealing the January 17<sup>th</sup> order denying her “Motion to Reconsider” and “Motion of Objection & Opposing Sua Sponte Order.” Thus, the issue before us on appeal is whether the circuit court abused its discretion in denying Ms. Arroyo’s motions asking the circuit court to reconsider its denial of her motion for waiver of prepaid filing fees. *Davis v. Mills*, 129 Md. App. 675, 679 (2000) (A circuit court’s decision to deny a request for a waiver of fees and costs under Maryland Rule 1-325 is reviewed under an abuse of discretion standard.).

A waiver of prepaid filing fees is authorized when the circuit court is “satisfied that the petitioner is unable by reason of his [or her] poverty to make the payment” and if the “action is not frivolous.” *Id.* at 678-79. *See also* § 7-201(b) of the Courts & Judicial Proceedings Article of the Md. Code and Maryland Rule 1-325. The statute provides that the court shall waive the fees if satisfied that the petitioner “is unable by reason of his [or her] poverty to make the payment” and the suit “is meritorious.” CJP, § 7-201(b). The Rule similarly states that, if “the court finds that the party is unable by reason of poverty to pay the prepaid costs and that the pleading or paper sought to be filed does not appear, on its face, to be frivolous,” the court shall approve the request. Rule 1-325(e)(3).

Here, the circuit court found that Ms. Arroyo’s complaint appeared, on its face, to be frivolous. Having reviewed the record, and specifically Ms. Arroyo’s complaint, we hold that the circuit court did not abuse its discretion in denying Ms. Arroyo’s motions seeking reconsideration of its decision denying her request for waiver of prepaid costs. The circuit court gave a legitimate reason for its decision to deny the fee waiver request and no

further explanation nor a hearing was required. Moreover, we are not persuaded that the circuit court erred in finding that Ms. Arroyo’s complaint, at least on its face, appears frivolous.<sup>1</sup>

Finally, we deny Ms. Arroyo’s belated request for oral argument on this appeal.<sup>2</sup>

**JUDGMENT OF THE CIRCUIT COURT FOR  
WASHINGTON COUNTY AFFIRMED. COSTS  
IN THIS COURT WAIVED.**

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<sup>1</sup> “Frivolous” as used here is a term of art. It does not mean that the allegations in the complaint are not serious. Rather, it means that Ms. Arroyo’s complaint cannot prevail as a matter of law. This is because she is not the proper plaintiff in her lawsuit. Her son, Troy Lopez, is an adult, capable of bringing suit on his own behalf, and is the allegedly injured party. Therefore, this lawsuit must be brought in his name and on his behalf.

<sup>2</sup> We note that, on August 1, 2019, the Court of Appeals denied Ms. Arroyo’s petition for writ of certiorari.