

Circuit Court for Wicomico County
Case No.: 22-C-15-001333

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 70

September Term, 2024

EKWUNIRU NWOKEJI

v.

KINGSLEY EJIUGU

Beachley,
Albright,
Woodward, Patrick, L.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 10, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

On September 19, 2023, the Circuit Court for Wicomico County entered an order modifying the custody and child support obligations between Ekwuniru Nwokeji, appellant, and Kingsley Ejiogu, appellee. Within 10 days, Nwokeji moved for a new trial. The court denied her motion on October 10. Another 10 days later, Nwokeji moved for reconsideration of the modification order. The court denied this second motion on October 31. Then, on November 9, the court entered an order awarding Ejiogu attorneys’ fees. More than a month later, Nwokeji moved for reconsideration of that award. The court denied her motion on January 4, 2024. Finally, on February 20, Nwokeji moved to alter or amend the court’s September 19, 2023, Order. The court denied her motion on March 14, 2024, and this appeal followed.

Maryland Rule 8-202 requires that a notice of appeal be filed “within 30 days after entry of the judgment or order from which the appeal is taken.” A timely post-judgment revisory motion filed within 10 days under Rule 2-534 will toll this deadline; one filed after 10 but within 30 days under Rule 2-535(a) will not. *See Leese v. Dep’t of Lab., Licensing and Regul.*, 115 Md. App. 442, 445 (1997); Md. Rule 8-202(c).

Nwokeji acknowledges that her appeal is untimely with respect to both the custody order and the attorneys’ fees order. Instead, she seeks review of the circuit court’s denial of her February 20, 2024, revisory motion. But although her notice was timely as to the denial of that revisory motion, the order is not appealable. This Court has previously observed that “[t]he denial of [a] second motion to revise is not appealable because it is not a final judgment.” *Pickett v. Noba, Inc.*, 114 Md. App. 552, 560 (1997) (noting that a “second motion to revise filed more than [30] days after the entry of judgment, even though

within [30] days after denial of the first motion, cannot be granted”). Here, Nwokeji’s February 20, 2024, motion was her *third* request for the court to exercise its revisory power. Its refusal to do so is not appealable.

Consequently, we shall dismiss this appeal as untimely with respect to the underlying judgment and as not allowed by law with respect to the denial of Nwokeji’s third revisory motion.¹ See Md. Rule 8-602(b)(1) & (2).

APPEAL DISMISSED. COSTS TO BE PAID BY APPELLANT.

¹ Even if the claims raised in Nwokeji’s revisory motion were properly before us, we would nevertheless affirm. The motion alleges more than 160 errors in the circuit court’s September 19, 2023, Opinion and Order, many of which simply take issue with the court’s decision to resolve conflicting testimony and evidence against Nwokeji. But even if every one of Nwokeji’s allegations was true, they are, at best, all examples of intrinsic—rather than extrinsic—fraud and are not sufficient to vacate a judgment under Maryland Rule 2-535(b). See *Bland v. Hammond*, 177 Md. App. 340, 350–51 (2007).