

Circuit Court for Allegany County
Case No.: C-01-CV-24-000206

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 819

September Term, 2024

IN THE MATTER OF
KENNETH HINTON

Wells, C.J.,
Graeff,
Kehoe, Christopher B.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: January 2, 2025

*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.

Kenneth Hinton, appellant, is incarcerated in the Western Correctional Institution in Cumberland. In May 2024, Hinton petitioned the Circuit Court for Allegany County for judicial review of a decision of the Incarcerated Individual Grievance Office dismissing a grievance he had filed. Along with his petition, Hinton filed a request for waiver of prepaid costs under Maryland Rule 1-325 and Md. Code Ann., Cts. & Jud. Proc. (“CJP”) § 5-1002. The court denied Hinton’s request because he failed to provide a banking statement that would allow the court to grant a fee waiver. *See* CJP § 5-1002(b)(4). Hinton failed to pay the unwaived filing fee, so his petition was withdrawn pursuant to Maryland Rule 1-325(e)(3). This appeal followed.

We review a circuit court’s denial of an incarcerated individual’s request for waiver of prepayment of filing fees for an abuse of discretion. *Massey v. Inmate Grievance Off.*, 153 Md. App. 691, 697 (2003). On appeal, Hinton contends the circuit court should have granted his waiver request because he attested that he is indigent. To be sure, Hinton’s waiver request satisfied CJP § 5-1002(c)(1). But CJP § 5-1002(b) requires more. The individual must also provide the court with information showing, among other things, “[t]he amount of funds available in any institutional account and any account outside of the institution[.]” On review of the record, Hinton did not provide the court with this information in his petition or fee waiver request.

Hinton also points to the fact that he was granted a waiver of the costs for assembling the record for this appeal as evidence that his petition’s filing fee should have been waived. But the waiver of prepaid appellate costs in civil actions is governed by a different standard. *See* Md. Rule 1-325.1; CJP § 7-202. A party can receive a waiver of prepaid appellate costs

without satisfying the requirements of CJP § 5-1002(b). Thus, although he received a waiver of his prepaid appellate costs, Hinton still did not satisfy the requirements of CJP § 5-1002(b) that would allow the circuit court to waive the filing fee for his petition. The court therefore did not abuse its discretion in denying Hinton's waiver request.

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