

Circuit Court for Allegany County
Case No.: C-01-CV-24-000214

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 835

September Term, 2024

IN THE MATTER OF
WAYNE RESPER

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

JJ.

PER CURIAM

Filed: December 27, 2024

*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.

Wayne Resper, appellant, is incarcerated in the Western Correctional Institution in Cumberland. In May 2024, Resper 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. Resper has been declared a frivolous filer under Md. Code Ann., Cts. & Jud. Proc. (“CJP”) § 5-1005(a) at least three times prior to the filing of this action. So, contemporaneously with his petition, Resper moved for leave to file the petition. The court denied Resper leave to file, and he appealed.

On appeal, Resper does not contend that his petition was not frivolous. He contends, instead, that he should never have been designated a frivolous filer. But CJP § 5-1005(c)(1) states that a “prisoner who has filed three or more civil actions that have been declared to be frivolous by a court of this State . . . may not file any further civil actions without leave of court.” Although Resper disputes the grounds upon which his previous civil actions were declared frivolous, the validity of the court’s order declaring him to be a frivolous filer is not properly before us in this appeal. Because of Resper’s frivolous-filer designation, the court was not required to accept his petition, and so, it did not err in denying leave to file it.

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