

Circuit Court for Anne Arundel County  
Case No.: C-02-FM-20-003181

UNREPORTED\*

IN THE APPELLATE COURT

OF MARYLAND

No. 1115

September Term, 2024

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AMAKA NDUBUEZE

v.

JOHNBOSCO IKECHUKWU ALAENYI  
NDUBUEZE

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Wells, C.J.,  
Albright,  
Eyler, Deborah S.  
(Senior Judge, Specially Assigned),

JJ.

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Opinion by Albright, J.

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Filed: March 14, 2025

\*This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to Rule 1-104(a)(2)(B).

Following a hearing, the Circuit Court for Anne Arundel County denied a motion by Amaka Ndubueze (“Mother”) to alter/amend the court’s judgment granting her and Johnbosco Ikechukwu Alaenyi Ndubueze (“Father”) an absolute divorce. The judgment of absolute divorce (“JAD”) also modified a prior custody order such that, while primary physical custody of the parties’ minor child<sup>1</sup> remained with Mother, legal custody would be joint with tie-breaking authority to Mother (rather than sole legal custody with Mother). In addition, a new visitation schedule was set for Father and child, and Father’s child support obligation was modified. Mother appeals the denial of her motion to alter/amend the JAD and presents the following questions for our review, which we have condensed and slightly rephrased for clarity<sup>2</sup>:

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<sup>1</sup> We decline to provide the minor child’s name in the interest of protecting the child’s privacy. We mean no disrespect in doing so.

<sup>2</sup> Mother phrased her questions in her appellate brief as follows:

1. The [c]ourt [e]rred when the [j]udge denied the request of the [p]laintiff to know the full scope [of the] hearing and limitation or constraint to be expected.
2. The [c]ourt erred by declining to consider the relevant and material evidence presented, being bias[ed], partial, allowing omission of evidence, thereby depriving the record of a complete factual basis upon which to render a fair and informed decision.
3. The [c]ourt erred by declining to recuse Judge Trunnell, who should have recused himself due to the partiality exhibited during the trial, thereby depriving the parties of a fair and just proceeding.
4. Change in venue denial – The trial court exhibited partiality and prejudice, repeatedly violating court procedures, and failing to respond to filings and petitions. This lack of accountability for judicial misconduct undermined confidence in the fairness of the proceedings. As a result, a

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1. Did the circuit court err when it denied Mother’s request(s) prior to the hearing for information on the scope and limitations of the hearing?
2. Did the circuit court err at the hearing by declining to consider Mother’s relevant and material evidence, and in acting in a biased and partial way toward her?
3. Did the circuit court err in denying her post-hearing motions for recusal of the hearing judge and for change of venue?

For the following reasons, we shall affirm the court’s judgment.

### **FACTUAL AND PROCEDURAL BACKGROUND**

Mother and Father married in 2018, and a child was born to them the following year. In November 2020, Mother filed a complaint seeking physical and legal custody of their child and child support. Father responded by filing an answer and a counterclaim for joint physical and legal custody. On August 9, 2021, when their child was around 2 years old, the circuit court entered a custody order, incorporating the parties signed “Parental Agreement” (the “Agreement”). The Agreement provided Mother with primary physical and sole legal custody of their child with a tiered visitation schedule for Father, and for Father to pay child support.

The tiered visitation part of the Agreement proved unworkable. Father subsequently filed a complaint for absolute divorce and sought modification of the Agreement; Mother filed a motion to modify visitation and for child support. Following a scheduling conference in August 2022, the court issued an order setting the discovery

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change of venue is warranted to ensure an impartial forum and restore trust in the judicial process.

deadline for October 14, 2022, and stating that “[a]ll motions to compel and/or for sanctions shall be filed no later than eighteen (18) days prior to the discovery deadline or may not be considered by the” court. On April 26, 2023, more than five months after the deadline, Mother filed a motion to compel discovery and sanctions.

On May 2, 2023, a divorce merits hearing was held at which both parties testified. The court issued an oral ruling from the bench and a subsequent written order. In its order, the circuit court entered an absolute divorce on grounds of one year of separation.<sup>3</sup> The court awarded Mother primary physical custody and joint legal custody of child, with tie-breaking authority to Mother. Father was granted visitation, every other weekend from Friday afternoon to Monday morning, and during stated seasonal breaks and holidays. Father was to pay Mother \$1,188 in monthly child support. The court denied Mother’s request for attorney fees based on Father’s alleged discovery violations. Mother filed a motion to alter/amend the judgment, which the court denied as untimely.

Mother appealed,<sup>4</sup> arguing that the circuit court erred (1) when it denied her motion to alter/amend the judgment as untimely filed, (2) in not requiring Father to

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<sup>3</sup> The circuit court also adopted the parties’ waivers regarding marital property and alimony.

<sup>4</sup> Mother had been represented by counsel at all relevant times prior to her filing the appeal. Since then, she has not been represented by counsel. Father has been represented by counsel at all relevant times. The Maryland Supreme Court has stated that, although we shall liberally construe the contents of pleadings filed by pro se litigants, unrepresented litigants are subject to the same rules of procedure, particularly reviewability and waiver, as those represented by counsel. *Simms v. State*, 409 Md. 722, 731 n.9 (2009).

advise Mother of child’s whereabouts during visitations with Father, and (3) in denying Mother’s request for attorney’s fees because of discovery violations by Father. We reversed the circuit court’s denial of her motion to alter/amend and issued a remand on the first question, finding that Mother’s motion to alter/amend had been timely filed. We stayed the remaining two questions pending resolution by the circuit court. *See Ndubueze v. Alaenyi*, No. 546, Sept. Term 2023 (filed Feb. 20, 2024).

On June 20, 2024, the circuit court held a hearing on Mother’s motion to alter/amend judgment. Both parties testified at the hearing, after which the court denied the motion.<sup>5</sup> On July 5, the circuit court subsequently entered a written order reflecting its ruling. A month later, on August 5, Mother filed (1) a timely notice of appeal to our court of the denial of her motion to alter/amend judgment and (2) a supplemental motion seeking recusal and a change of venue.

## DISCUSSION

### I. Standard of Review

We review a circuit court’s denial of a motion to alter or amend judgment for an abuse of discretion. *Spaw, LLC v. City of Annapolis*, 452 Md. 314, 363 (2017). The Maryland Supreme Court has defined abuse of discretion as “discretion manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons.” *Miller v.*

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<sup>5</sup> After the circuit denied the motion to alter/amend, we lifted the stay and reviewed Mother’s two remaining questions on appeal. Finding them without merit, we affirmed the circuit court’s judgment. *See Ndubueze v. Alaenyi*, No. 546, Sept. Term 2023 (filed August 8, 2024), *cert. dismissed*, 489 Md. 252 (2024).

*Mathias*, 428 Md. 419, 454 (2012) (cleaned up). Accordingly, reversal on appeal is appropriate only “in the extraordinary, exceptional, or most egregious case.” *Cent. Truck Ctr., Inc. v. Cent. GMC, Inc.*, 194 Md. App. 375, 398 (2010) (cleaned up).

**II. The circuit court did not err when it denied Mother’s request(s) prior to the hearing for information on the scope and limitations of the hearing.**

Mother first argues on appeal that the circuit court erred when it refused her “multiple requests” to know in advance the scope of the alter/amend hearing, specifically any time limits and whether it would be an evidentiary hearing. She argues that denial of her requests violated her constitutional right to due process and caused her harm because she was unable to “prepare adequately.” Father responds that the circuit court did not err - there is no legal requirement for the court to advise a party on how a hearing will be conducted, and the court gave Mother ample time to present her case.

Rule 2-534, governing motions to alter or amend a judgment, provides in pertinent part:

In an action decided by the court, on motion of any party filed within ten days after entry of judgment, the court may open the judgment to receive additional evidence, may amend its findings or its statement of reasons for the decision, may set forth additional findings or reasons, may enter new findings or new reasons, may amend the judgment, or may enter a new judgment.

Md. Rule 2-534. Rule 2-311(e), governing hearings in circuit court, provides in pertinent part that when considering a motion to alter or amend under Rule 2-534, the court “shall determine in each case whether a hearing will be held, but it may not grant the motion without a hearing.” Md. Rule 2-311(e).

Here, the circuit court entered an order on May 21, 2024, scheduling a thirty-minute hearing on Mother’s motion to alter/amend for June 20, 2024. The court order was e-served on the parties the day it was entered. Mother argues that the hearing lasted much longer than the scheduled half an hour, i.e., it lasted for more than two hours and “evol[ed] into an evidentiary proceeding” where the court declined to consider her evidence. Mother argues that the failure of the court to inform her of the actual length of the hearing and whether the court would accept evidence, despite her “multiple” inquiries, mandates a re-hearing on her motion to alter/amend. She also alleges that the hearing court said her inquiries as to scope of the hearing amounted to “harassment,” and this characterization was “unjust and unfounded[.]”

Mother cites to no rule that requires the court to advise her of the scope of the motion to alter/amend hearing beyond what the court provided her and Father. Moreover, even if the court was required to provide the information she requested, which it was not, Mother has failed to support her argument. She does not reference or disclose any facts regarding the inquiries she made; state what evidence she wanted admitted but the hearing court declined to consider; or direct us to where in the transcript this occurred. She also does not direct us to where the court characterized her inquiries as to the scope of the hearing as “harassment.” For the above reasons, we hold that Mother has failed to show that the circuit court abused its discretion in not responding to Mother’s questions about the scope of the scheduled hearing. *See* Md. Rule 8-504(a)(4) (an appellant’s brief “shall” reference the page(s) in the record extract, appendix, record, or transcript where

the factual assertion is supported); *Wagner v. State*, 213 Md. App. 419, 471 (2013) (“We decline to comb through the . . . record extract to ascertain information that . . . should have been provided[.]” (cleaned up)).

**III. The circuit court did not err at the hearing by declining to consider Mother’s relevant and material evidence, and in acting in a biased and partial way toward her.**

Mother next argues that the circuit court erred because it failed to consider relevant and material evidence, and the court was biased against her. Father claims that her argument is barred by the doctrine of collateral estoppel.

***A. Failure to Consider Relevant and Material Evidence***

From what we can discern, Mother argues that within ten days of the circuit court’s May 17, 2023, custody order (which was part of the JAD), she presented the court with newly discovered evidence. She next directs our attention to an affidavit Father filed on June 17, 2024, more than a year after the court’s order, in which Father signed his name “Johnbosco Ikechukwu Alaenyi Ndubueze.”<sup>6</sup> Mother then asserts that Father filed for a name change on April 6, 2022, and this name change shows that Father was engaged in an “ongoing effort” to obtain citizenship while married and without her knowledge. She adds that Father’s effort to change his name was not disclosed to her prior to the custody/visitation hearing (despite her repeated discovery requests to Father

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<sup>6</sup> Father filed the affidavit on June 17, 2024, in support of his motion opposing Mother’s motion to alter/amend judgment. About three weeks later, on July 6, 2024, Father filed a Line in the circuit court asking that the case caption be updated to reflect his name change and provided proof of the change. By July 23, 2024, the circuit court updated the case caption in the manner that Father had requested.



for all immigration related documents) and that if this information had been disclosed earlier, “it would have significantly strengthened [her] argument and enabled thorough preparation before and during the trial.”

Nowhere in Mother’s motion to alter/amend did she raise this argument. Accordingly, she has failed to preserve this argument for our review. *See* Md. Rule 8-131(a) (“Ordinarily, an appellate court will not decide any other issue unless it plainly appears by the record to have been raised in or decided by the trial court[.]”). *See also DiCicco v. Balt. Cnty.*, 232 Md. App. 218, 224–25 (2017) (stating that a contention not raised or considered below is not properly before an appellate court).

***B. Bias***

Mother’s reasoning as to her second argument—that the circuit court was biased against her—is, again, difficult to understand. She first argues that the hearing court “allowed [Father] to introduce this new evidence after denying me the right to present both previously docketed and newly available evidence.” She then argues that “[t]his discrepancy . . . not only undermines fairness but also calls into question the impartiality and integrity of the judicial process in this case.” She states that, although her attorney advised the circuit court at the custody hearing that Father refused to fully disclose financial information, and Father revealed during the trial that he had a different occupation and significantly higher income than previously disclosed, the circuit court improperly allowed discovery violations by Father to go unaddressed by not sanctioning Father or considering the impact of Father’s noncompliance, which deprived her of a fair

and impartial hearing. She then summarily argues that “[d]ismissing new, material evidence related to a party’s immigration status, changes in last name, residence, career, and credibility is contrary to the principles of fairness, due process, and the best interests of the child[.]”

Mother does not explain what new evidence the circuit court allowed Father to admit at the hearing while denying her the same right. Moreover, she fails to cite any transcript page(s) from the June 20, 2024, hearing where the alleged failure to admit, or the admission of, evidence occurred. As stated above, we will not comb through the record to find evidence to support a position argued. For these reasons, we are unable to address this argument.

**IV. The circuit court did not err in denying Mother’s post-hearing motions for recusal of the hearing judge and for change of venue.**

Mother argues that the hearing judge erred in denying her post-hearing “supplemental motion” requesting (1) recusal because of the “partiality” the judge exhibited against her during the hearing and (2) change of venue due to the court’s “partiality and prejudice, repeated[] [violation of] court procedures, and [failure] to respond to filings and petitions.” Father responds that neither Mother’s recusal or change of venue arguments are properly before us.<sup>7</sup> We agree with Father.

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<sup>7</sup> Father argues that Mother’s change of venue motion is untimely because she is appealing the denial of her “motion to transfer” filed on August 22, 2023, which the circuit court denied a month later. We agree that her appeal of that motion would be untimely. *See* Md. Rule 8-202(a) (“[T]he notice of appeal shall be filed within 30 days after entry of the judgment or order from which the appeal is taken.”). Instead, we believe

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Mother’s supplemental motion was filed in the circuit court after the notice of appeal that generated this appeal. Specifically, on July 5, 2024, following a hearing on Mother’s May 28, 2023, motion to alter/amend, the circuit court issued a written order denying Mother’s motion.<sup>8</sup> A month later, on August 5, 2024, Mother filed in the circuit court (1) a notice of appeal to our Court of the July 5, 2024 denial and (2) a “supplemental motion” in which she sought recusal of the hearing judge and a change of venue. On September 3, 2024, the circuit court denied Mother’s supplemental motion.

Ordinarily, a litigant wishing to appeal from a circuit court’s judgment or order must file a notice of appeal after (not before) the entry of that judgment or order. Md. Rule 8-202(a) (“Except as otherwise provided in this Rule or by law, the notice of appeal shall be filed within 30 days *after* entry of judgment or order from which the appeal is taken.” (emphasis added)). Where a litigant notes an appeal from a judgment and then, within ten days of that judgment, files a motion to alter or amend that judgment, we treat the notice of appeal as having been filed after the circuit court disposes of the motion to alter or amend. Md. Rule 8-202(c) (“If a notice of appeal is filed and thereafter a party files a timely motion pursuant to Rule 2-532, 2-533, 2-534, or 11-218, the notice of appeal shall be treated as filed on the same day as, but after, the entry of . . . an order

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that Mother is appealing the circuit court’s denial of her “supplemental motion” filed on August 5, 2024, in which she requested a “change of venue.”

<sup>8</sup> To do so, the circuit court signed and docketed the “hearing sheet” from the June 20, 2024, hearing. The hearing sheet indicated that the motion was denied and that it was “signed as Order of Court.” It was docketed on July 5, 2024.

disposing of it.”). Motions filed within ten days of judgment under Maryland Rule 2-535 “have the same effect.” Md. Rule 8-202(c), Committee note (“A motion filed pursuant to Rule 2-535, if filed within ten days after entry of judgment, will have the same effect as a motion filed pursuant to Rule 2-534, for purposes of this Rule.”). Because Rule 8-202(c) renders the disposition of a timely (i.e., ten-day) motion to alter or amend as having been entered before the notice of appeal, the disposition of the motion to alter or amend becomes fair game for appeal.

Even if Mother’s supplemental motion is treated as a motion to alter or amend the denial of her May 28, 2023, motion to alter or amend, Rule 8-202(c) does not apply because the supplemental motion was not filed within ten days of the denial. The circuit court denied Mother’s May 28, 2023, motion to alter or amend on July 5, 2024. The supplemental motion was filed on August 5, 2024. The circuit court denied the supplemental motion on September 3, 2024. Because the supplemental motion was not filed within ten days of July 5, 2024, we do not treat the notice of appeal that generated this appeal as having been filed after the September 3 denial.

Because Rule 8-202(c) does not apply here, we are left with our standard rule regarding securing appellate review, Rule 8-202(a). Mother filed no notice of appeal after the circuit court denied her supplemental motion on September 3, 2024. Therefore, she cannot seek appellate review of that denial. For this reason, Mother’s recusal and change-of-venue arguments are not properly before us.

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