

Circuit Court for Prince George's County
Case No.: C-16-CV-24-002254

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1200

September Term, 2024

NICOLE Y. WINSTON

v.

PRINCE GEORGE'S COUNTY
DEPARTMENT OF HEALTH, *et al.*

Beachley,
Albright,
Wright, Alexander, Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: February 7, 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.

Nicole Y. Winston, appellant, sued the Prince George’s County Department of Health and the Maryland Medicaid Administration, appellees, in the Circuit Court for Prince George’s County, alleging negligence and various civil rights violations. With her complaint, Winston also filed a Request for Waiver of Prepaid Costs. The circuit court denied her request because, although Winston was unable by reason of poverty to pay the costs, the court found that her complaint was frivolous on its face. She appealed.

The denial of a fee waiver application “is vested within the sound discretion of the [circuit] court and will not be disturbed absent a clear abuse of discretion.” *Davis v. Mills*, 129 Md. App. 675, 679 (2000). The decision will not be reversed unless it “is well removed from any center mark imagined by the reviewing court and beyond the fringe of what that court deems minimally acceptable.” *Consol. Waste Indus., Inc. v. Standard Equip. Co.*, 421 Md. 210, 219 (2011) (cleaned up).

Courts must explain decisions to deny waiver applications, *Davis*, 129 Md. App. at 679, but this requirement is “not [] an onerous one.” *Torbit v. State*, 102 Md. App. 530, 537 (1994). “A lengthy statement is not necessary; a brief, one line notation, such as ‘affidavit does not show that applicant is indigent,’ or ‘complaint is patently meritless [or frivolous]’ will normally suffice.” *Id.* Having reviewed the record, and specifically Winston’s complaint, we hold that the circuit court did not abuse its discretion in finding that the filing, at least on its face, appears frivolous.

We stress that “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 Winston’s complaint cannot prevail as a matter of law. *See Frivolous*, BLACK’S LAW DICTIONARY (12th ed.

2024). This is because it fails to state any facts that would afford relief to Winston under her stated causes of action. *See generally Reiner v. Ehrlich*, 212 Md. App. 142, 151 (2013). The complaint does not state many facts at all beyond vague suggestions of a skin irritation and failure to investigate Winston’s complaints. Consequently, the circuit court did not abuse its discretion in denying Winston a fee waiver.

**JUDGMENT OF THE CIRCUIT
COURT FOR PRINCE GEORGE’S
COUNTY AFFIRMED. COSTS TO
BE PAID BY APPELLANT.**