

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1209

September Term, 2022

ROGER B. HARGRAVE

v.

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES

Reed,
Ripken,
Kenney, James A., III
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: June 30, 2023

*At the November 8, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Special Appeals of Maryland to the Appellate Court of Maryland. The name change took effect on December 14, 2022.

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Robert B. Hargrave, appellant, filed a petition for judicial review from two adverse decisions issued by the Inmate Grievance Office. The same day, he also filed a “Motion for Waiver of Filing Fees and other Cost[s]” pursuant to Maryland Rule 1-325. On June 21, 2022, the court issued an order indicating that the request for fee waiver was “DENIED at this time” because he had not included a “written showing under oath” that the “issue presented is of serious concern.” The order further noted that if appellant did not submit or amend the indicated deficiencies within 30 days the matter “may be dismissed.”

Appellant responded by filing a motion for clarification and request for extension of time to respond, noting that he had filed “two separate petitions for judicial review” on or about the same date, that the order did not indicate which of those cases it was referring to, and that he could not “determine how to best respond to the court’s request for an explanation regarding the seriousness of the claim, without any info of which [case] it is.” On July 22, 2022, the court entered an order denying the motion, but nevertheless indicating that appellant “shall provide a written showing under oath that the issue presented is of serious concern regarding IGO No. 20211365 and No. 2022025.”

Appellant then filed a response on August 3, 2022, averring that the issue presented in his petition for judicial review in this case was of “serious concern because it concerns the denial of my constitutional right . . . of access to the court[.]” Five days later he also filed a notice of appeal. Appellant’s sole claim on appeal is that the court abused its discretion in denying his Motion for Waiver of Filing Fees. For the reasons that follow, we shall dismiss the appeal as moot.

“A question is moot if, at the time it is before the court, there is no longer an existing controversy between the parties, so that there is no longer any effective remedy which the court can provide.” *Maryland Comm'n on Hum. Rels. v. Downey Commc'ns, Inc.*, 110 Md. App. 493, 512 (1996) (quotation marks and citation omitted). A review of the record indicates that after appellant noted this appeal, the circuit court entered an order stating that it had “*sua sponte* reviewed the matters relating to [appellant’s] Request for Judicial Review and Request for Prepayment Waiver,” “that the Request for Prepayment Waiver is GRANTED,” and that the “case will proceed in the ordinary course of scheduling.” In light of that order, there is no longer an effective remedy that we can provide to appellant as the circuit court has granted him the relief that he requested. Consequently, we must dismiss the appeal as moot.

**APPEAL DISMISSED. COSTS TO
BE PAID BY APPELLANT.**