

Circuit Court for Somerset County
Case No.: C-19-CV-22-000118

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 1667

September Term, 2023

IN THE MATTER OF
KEVIN SORRICK

Berger,
Shaw,
Harrell, Glenn T., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: July 5, 2024

*This is a per curiam opinion. Consistent with Rule 1-104, the opinion is not precedent within the rule of stare decisis, nor may it be cited as persuasive authority.

In June 2022, Kevin Sorrick, appellant, filed a complaint with the Inmate Grievance Office (“IGO”) alleging that medical staff employed by a private healthcare contractor failed to provide him appropriate care for his shoulder injury. The IGO dismissed Sorrick’s grievance because the agency lacks jurisdiction over complaints against private healthcare contractors or their employees. Sorrick petitioned for judicial review in the Circuit Court for Somerset County. After a hearing in December 2022, the court affirmed the IGO’s decision, but requested that the Department of Corrections, appellee, contact the warden of the institution where Sorrick is confined to determine the status of his request for treatment. Sorrick did not appeal from that order.

Instead, in April 2023, Sorrick filed, in the same action, a petition for civil enforcement. *See* Md. Code Ann., State Gov’t § 10-222.1. The petition asked that the Department be compelled to comply with the court’s order that it “detail how [it] was going to correct the violation(s) of [Sorrick’s] right to medical care[.]” The Department then submitted a letter to the court from its private medical provider detailing the care that Sorrick was being provided. The letter explained that Sorrick was scheduled to be evaluated by an orthopedic surgeon.

The court held a hearing on Sorrick’s petition in September 2023, at which Sorrick informed the court that he had received surgery to repair his injured shoulder. The court, the Department, and Sorrick all agreed that the petition was now moot. The court, therefore, dismissed the petition as moot. This appeal followed.

Whether dismissal was proper is a legal question. *Cain v. Midland Funding, LLC*, 475 Md. 4, 33 (2021). Our review is therefore *de novo*. *Id.* The circuit court here dismissed

the case as moot. “The test for mootness is whether a case presents a controversy between the parties for which the court can fashion an effective remedy.” *Tempel v. Murphy*, 202 Md. App. 1, 16 (2011).

Here, there was no longer a controversy between the parties by the time they appeared at the hearing on Sorrick’s petition. The Department had updated the court on the status of Sorrick’s treatment request as previously requested. What is more, by the time of the hearing, Sorrick had, in fact, received the requested treatment. When the court suggested that “[i]t seem[ed] like . . . th[e] matter [was] now moot,” both parties agreed. Sorrick explicitly stated his desire to “let this conclude.” When the court announced that it was dismissing the petition as moot, Sorrick did not object. *Cf. Abdullahi v. Zanini*, 241 Md. App. 372, 403 (2019) (“[T]he right to appeal may be lost by acquiescence in, or recognition of, the validity of the decision below from which the appeal is taken or by otherwise taking a position which is inconsistent with the right of appeal.” (cleaned up)). Consequently, there was no longer a controversy between the parties, and the circuit court did not err in dismissing the petition as moot.

**JUDGMENTS OF THE CIRCUIT
COURT FOR SOMERSET COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**