

Circuit Court for Allegany County
Case No.: C-01-CV-24-000165

UNREPORTED
IN THE APPELLATE COURT
OF MARYLAND

No. 921

September Term, 2024

IN THE MATTER OF
ROGER HARGRAVE

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.

Roger Hargrave, appellant, is incarcerated in the Western Correctional Institution in Cumberland. In April 2024, Hargrave 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. Along with his petition, Hargrave filed a request for waiver of prepaid costs under Maryland Rule 1-325 and Md. Code Ann., Cts. & Jud. Proc. (“CJP”) § 5-1002. The court denied Hargrave’s request because he (1) failed to provide the court with the information required by CJP § 5-1002(b); (2) failed to provide a written showing under oath of the information required by CJP § 5-1002(c); and (3) failed to provide the proof necessary to demonstrate he had fully exhausted the administrative remedies available as prescribed by CJP § 5-1003(b)(3). The court gave Hargrave 30 days to amend his petition and pay the required filing fee.

Within that time, Hargrave moved for reconsideration. He attached to his motion, a copy of the administrative decision of which he was seeking review. The circuit court, nevertheless, denied Hargrave’s motion. The court noted that, although Hargrave had provided proof that he had complied with the exhaustion requirement, he still had not filed a banking statement that would allow the court to grant a fee waiver. *See* CJP § 5-1002(b)(4). Soon after, the court dismissed Hargrave’s petition, without prejudice, for failing to either meet the requirements of CJP § 5-1002 or pay the required filing fee. This appeal followed.

We review a circuit court’s denial of an incarcerated individual’s request for waiver of prepayment of filing fees for an abuse of discretion. *Massey v. Inmate Grievance Off.*, 153 Md. App. 691, 697 (2003). On appeal, Hargrave contends the circuit court should have

granted his waiver request because he provided an affidavit that he is indigent. To be sure, Hargrave’s affidavit satisfied CJP § 5-1002(c)(1). But CJP § 5-1002(b) requires more. The individual must also provide the court with information showing, among other things, “[t]he amount of funds available in any institutional account and any account outside of the institution[.]” On review of the record, Hargrave did not provide the court with this information in his petition, fee waiver request, or motion for reconsideration. The court therefore did not abuse its discretion in denying Hargrave’s request for a fee waiver and subsequently dismissing his petition for failing to pay the unwaived fee.

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