

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1939

ALBERT J. BIERMAN, SR.,

Plaintiff – Appellant,

v.

MOE D. DAVENPORT, WILLIAM D. AMOSS, HARFORD COUNTY

Defendants – Appellees,

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Catherine C. Blake, Senior District Judge. (1:22-cv-00012-CCB)

Submitted: November 9, 2023

Decided: March 4, 2024

Before DIAZ, Chief Judge, and QUATTLEBAUM and HEYTENS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

ON BRIEF: Walter W. Green, GREEN LAW, P.C., College Park, Maryland, for Appellant. David M. Wyand, Brooke A. Hutchins, ROSENBERG MARTIN GREENBERG, LLP, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Albert Bierman appeals from the district court’s August 16, 2022 order granting Defendants’ motion to dismiss. We affirm.

This appeal concerns Albert Bierman’s application to sell an easement on his land to the Maryland Agriculture Land Preservation Foundation (“MALPF”)—a Maryland program designed to “preserve the State’s agricultural land and economy by acquiring ‘agriculture easements.’” *Long Green Valley Ass’n v. Bellevale Farms, Inc.*, 68 A.3d 843, 845–46 (Md. 2013). Bierman alleges that he applied to sell an easement to MALPF, but Harford County employees Moe Davenport and William Amoss made alterations to his application that caused MALPF to deny it. Bierman sued Davenport, Amoss, and Harford County, asserting several claims arising out of these allegedly “illegal alterations.” J.A. 13–25.

The district court granted Defendants’ motion to dismiss, finding that the changes were either permissible or immaterial. J.A. 106–113. And the court chose to dismiss the complaint with prejudice.

We agree with the district court’s reasoning. And we cannot say that the district court abused its discretion in dismissing with prejudice. *SAS Assocs. 1, LLC v. City Council for City of Chesapeake*, 91 F.4th 715, 722 n.1 (4th Cir. 2024) (finding no abuse of discretion when the plaintiff “never asked for leave to amend below and given the infirmities in their complaint any amendment would have been futile”).

Accordingly, we affirm the district court’s judgment. *Bierman v. Davenport*, No. CCB-22-12, 2022 WL 3369574 (D. Md. Aug. 16, 2022). We dispense with oral argument

because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid in the decisional process.

AFFIRMED