

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

NATHAN TAYLOR

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Plaintiff

*

v

*

Civil Action No.CCB-13-1658

COMMISSIONER JOHNSON

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Defendant

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MEMORANDUM

The above-captioned case was filed on June 7, 2013, together with a motion to proceed in forma pauperis. ECF No. 2. Because plaintiff appears to be indigent, his motion shall be granted.

Plaintiff alleges that defendant improperly denied his claim for property that stolen by a third party. He alleges the denial of his claim is a violation of his Fourteenth Amendment rights and seeks an order from this court requiring “Commissioner Johnson to do the right thing next time an[d] don’t violate my 14th Amendment right . . . by being prejudice in a group.” ECF No. 1 at pp. 2 and 3. He further asserts that his property was stolen by the Division of Correction and Nicole Sherden; and that his claim was denied by defendant for no reason other than she also works for the State of Maryland. *Id.* at p. 4.

The complaint must be dismissed. Maryland District Court Commissioners are empowered to review applications for statement of charges to determine whether probable cause exists to issue charging documents; and conducting initial appearance hearings on arrested individuals to decide the conditions of pre-trial release. *See* Md. Cts & Jud. Proc., Code Ann. §2-607. To the extent plaintiff is seeking an order requiring the issuance of charging documents for the alleged theft of his property, this court is not empowered to issue such an order. *See*

Gurley v. Superior Court of Mecklenburg County, 411 F.2d 586, 587 (4th Cir. 1969) (federal courts are not granted mandamus power over state employees). To the extent plaintiff is alleging the Commissioner denied his claim for monetary compensation, his claim fails as the Commissioner is not authorized to make such an award.

A separate order follows.

June 24th, 2013
Date

_____/s/_____
Catherine C. Blake
United States District Judge