

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

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2014 JUL 16 P 6:21

CLERK'S OFFICE
AT BALTIMORE

JOHN D. BRANTLEY *

Plaintiff *

v *

Civil Action No. JKB-14-2116

DEPUTY

STATE OF MARYLAND *

Defendant *

MEMORANDUM

The above-captioned complaint was filed on July 1, 2014, together with a motion to proceed in forma pauperis. Because he appears to be indigent, plaintiff's motion shall be granted. For the reasons that follow, the complaint must be dismissed.

Plaintiff alleges that the University of Maryland was "contributorily negligent" in the maintenance of records regarding his enrollment in a Master's Degree program. As a result of the alleged poor record-keeping, which plaintiff claims violates various sections of Maryland's code of administrative regulations and other state laws, plaintiff claims he lost money and was not awarded the degree he alleges he has earned. ECF 1 at pp. 4 – 9. He asserts that all of his claims regarding alleged violations of Maryland law violate his First Amendment rights to free assembly and to petition the government as well as his Fifth Amendment right to due process. *Id.* at p. 2.

Notwithstanding plaintiff's conclusional assertions that his constitutional rights have been violated, the allegations asserted fail to state a cognizable federal claim. Under the Eleventh Amendment to the United States Constitution, a state, its agencies and departments are immune from suits in federal court brought by its citizens or the citizens of another state, unless it consents. See *Penhurst State School and Hospital v. Halderman*, 465 U.S. 89, 100 (1984).

While the State of Maryland has waived its sovereign immunity for certain types of cases brought in state courts, *see* Md. State Gov't Code Ann., § 12-202(a), it has not waived its immunity under the Eleventh Amendment to this kind of suit in federal court. Thus, plaintiff's complaint against the State is barred by the Eleventh Amendment. Even if this court were to allow plaintiff to amend the complaint to include an entity that is amenable to suit, it would not cure the defect in the claims asserted as there is no claim of constitutional dimension that may be liberally construed from the facts alleged.

The complaint will be dismissed by separate order which follows.

July 16, 2014
Date

James K. Bredar
James K. Bredar
United States District Judge