

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

FRANCIS C. MBEWE, # 360-922	*	
Plaintiff	*	Civil Action No. AW-12-cv-3344
v.	*	
UNKNOWN NAMES, MONTGOMERY	*	
COUNTY DEPARTMENT OF	*	
CORRECTION AND REHABILITATION	*	
MAILROOM, and	*	
CAPTAIN DAVID	*	
Defendants	*	
	***	

**MEMORANDUM**

Defendants J. Michael Stouffer, Roderick Sowers, Wayne Webb, Richard Scott, Cheryl Williams, Bernard Powell, Mark Clevenger, Todd Hull, Heather Worgul, and William Vinson (“Maryland State Defendants”), by their counsel, move for dismissal of this Complaint against them pursuant to Fed. R. Civ. P. 12(b)(6). (ECF No. 26). Mbewe, a self-represented litigant, has replied by filing a Motion for Default Judgment (ECF No. 28), a Motion to Strike (ECF No. 29), and a “Limited Response.” (ECF No. 31).<sup>1</sup> For reasons to follow, the Maryland State Defendants’ Motion to Dismiss will be granted.

**BACKGROUND**

By order dated November 27, 2012, this Court bifurcated the claims contained in Plaintiff Complaints filed on October 24, 2012 and November 14, 2012. (ECF No. 3. Civil Actions No. AW-12-3138 and AW-12-3344). The Court denied without prejudice Mbewe’s denial of access to the courts and failure to protect claims against Maryland State Defendants in this case, ordered these claims to proceed instead under Civil Action No. AW-12-3138, and directed the

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<sup>1</sup> Mbewe’s Motion for Default Judgment (ECF No. 28) will be denied. Mbewe’s Motion to Strike the appearance of counsel (ECF No. 29) for the Maryland State Defendants will be dismissed as moot.

Maryland State Defendants to respond. (ECF No. 4).<sup>2</sup> This Court ordered the claims against “Unknown Names, Montgomery County Department of Correctional and Rehabilitation Mailroom Clerk and Captain David Montgomery County Defendants” (“Montgomery County Defendants”) to be decided in the instant case, Civil Action No. AW-12-3344. *See id.* On February 26, 2013, counsel for the remaining Defendants, “Unknown Names, Montgomery County Department of Correctional and Rehabilitation Mailroom Clerk and Captain David,” entered an appearance. The Montgomery County Defendants’ Response is due on June 10, 2013.

### CONCLUSION

For these reasons, the Maryland State Defendants’ Motion to Dismiss will be granted. This case shall proceed as to the claims against the Montgomery County Defendants. A separate Order follows.

June 4, 2013

\_\_\_\_\_/s/  
Alexander Williams, Jr.  
United States District Judge

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<sup>2</sup> On February 19, 2013, in accordance with the Court’s November 27, 2012 Order, the Maryland State Defendants responded to the Complaint in Civil Action No. AW-12-3138, by filing a Motion to Dismiss or, in the Alternative, for Summary Judgment. (ECF No. 19). That case is presently under review.