

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JAMIEN PALMER,

*

*

Plaintiff,

*

v.

*

Civil Action No. 22-899

STATE OF MARYLAND, *et al.*,

*

*

Defendants.

*

* * * * *

NOTICE OF REMOVAL

Defendants, the State of Maryland, the Maryland Department of Public Safety and Correctional Services (“DPSCS”), the Maryland Division of Pretrial Detention and Services (“DPDS”)¹ and Warden Frederick T. Abello (collectively “Defendants”), by their attorneys, Brian E. Frosh, Attorney General of Maryland, and Michael O. Doyle, Laura Mullally, and Merrilyn E. Ratliff, Assistant Attorneys General, pursuant to 28 U.S.C. §1446(a), hereby give notice of the removal to this Court of the cause of action entitled *Jamien Palmer v. State of Maryland, et al.*, Circuit Court for Baltimore City, Maryland, No. 24-C-22-001320, and in support thereof state the following:

1. The above-entitled matter is a civil action brought by Jamien Palmer. In his complaint, Mr. Palmer alleges that he was arrested pursuant to a warrant on or about March

¹ DPSCS and DPDS are agencies of the State of Maryland.

14, 2019, and subsequently held without bail at the Baltimore Central Booking and Intake Center by order of a court commissioner. He further alleges that a judge of the District Court of Maryland for Baltimore City ordered his release on his own recognizance on March 15, 2019, and that he was released on March 16, 2019. Compl. ¶¶ 37-39, 45-46. Mr. Palmer alleges that the named defendants have engaged in a pattern or practice of unconstitutionally holding detainees, such as himself, an unreasonable amount of time after a court orders their release. The complaint seeks damages and injunctive relief, and states that Plaintiff will seek class certification “based on a Motion for Certification to be filed[.]” Compl. ¶¶ 95, 110, 112, 114, 120. Plaintiff’s claims are brought under Maryland law (alleging violations of Articles 19, 24, and 26 of the Maryland Declaration of Rights, common law false imprisonment) and the Fourth, Eighth and Fourteenth Amendments of the United States Constitution pursuant to 42 U.S.C. § 1983.

2. The removing parties, the State of Maryland, DPSCS, DPDS, and Warden Abello, are named defendants in the above-entitled action.

3. On March 14, 2021, the above-entitled action (hereinafter, the “State court action”) was commenced against the removing parties in the Circuit Court for Baltimore City, Maryland, and is now pending therein.

4. Defendants have been served in the State court action. Copies of the Complaint and summonses served on the State, DPSCS, DPDS, and Warden Abello, are attached hereto as Exhibits 1 through 5. Other than the filing of the complaint and the

issuance and service of the summonses, no proceedings have taken place in the Circuit Court for Baltimore City in the State court action as of the filing of this notice of removal.²

5. This Court has original jurisdiction under 28 U.S.C. §1331 and §1343 and the State court action may therefore be removed to this Court under 28 U.S.C. §1441(a). This Court has supplemental jurisdiction of the state law claims asserted in the complaint under 28 U.S.C. §1367(a).

6. By removal, Defendants do not waive any right to assert, or the protection of, any available constitutional, statutory, common law, or other provision that does, might, or could limit the Court's jurisdiction of the allegations of the Plaintiff's complaint or any proposed amendment thereto, including allegations of entitlement to relief thereunder.

7. Copies of the complaint and the writ of summons directed toward the removing parties in the above-entitled action are attached hereto as Exhibits 1 through 5 pursuant to Local Rule 103.5.

8. This notice is filed with this Court within 30 days after receipt of the summons and complaint directed to the removing parties in the above-entitled action.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

/s/
MICHAEL O. DOYLE
Assistant Attorney General
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6776 Reisterstown Road, Suite 311

² Attached hereto as Exhibit 6 is a copy of the Notice of Filing Notice of Removal that will be filed in the Circuit Court for Baltimore City by Defendants.

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/s/

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of April, 2022, a copy of the foregoing Notice of Removal was served on counsel of record by electronic means.

_____/s/
MERRILYN E. RATLIFF
Assistant Attorney General