

SHENGLIN R. CHEN, et al

v.

ALVIN TURNER, et al

\* IN THE  
\* COURT OF APPEALS  
\* OF MARYLAND  
\* Petition Docket No. 325  
\* September Term, 2020  
\* (No. 1903, Sept. Term, 2019  
\* Court of Special Appeals)  
\* (No. CAE18-22460, Circuit Court  
for Prince George's County)

**O R D E R**

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals and the answer filed thereto, in the above-captioned case, it is this 21<sup>st</sup> day of December, 2020

**ORDERED**, by the Court of Appeals of Maryland, that the petition be, and it is hereby, **DISMISSED** on the ground of lateness.

/s/ Mary Ellen Barbera  
Chief Judge

SHENGLIN R. CHEN, et al

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RECEIVED  
SUPREME COURT U.S.  
POLICE OFFICE

v.

ALVIN TURNER, et al

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IN THE

COURT OF APPEALS

OF MARYLAND

Petition Docket No. 325  
September Term, 2020

(No. 1903, Sept. Term, 2019  
Court of Special Appeals)

(No. CAE18-22460, Circuit Court  
for Prince George's County)

### ORDER

Upon consideration of the "Petitioners' Motion for Remove Roadblocks of the Fire Exit" filed in the above-captioned case, it is this 1<sup>st</sup> day of March, 2021

**ORDERED**, by the Court of Appeals of Maryland, that the above pleading be,  
and it is hereby, **DENIED**.

/s/ Mary Ellen Barbera  
Chief Judge

No.

In the Supreme Court of the United States

Shenglin Chen: petitioner

Vs

Alvin Turner :respondent

**PROOF OF SERVICE**

I Shenglin Chen , do swear or declare that on this date Mar 10,2021 as required by SUPREME Court Rule 29 , I have and Petition for a Writ of Certiorari each party to the above proceeding an envelope containing the above documents in the United 'Sates mail properly addressed to each of them and with first-class postage prepaid, or by delivery to third-party commercial carrier for delivery within 3 calendar days

The name and address of those served are as follows:

I declare under penalty of perjury that the foregoing is true and correct Executed on ,2021

Signature

Matthew J Dyer 5303 West Court Drive Upper Marlboro :MD :20773

cc: Alvin Turner: 6200 HANLON ST. CAPITOL HEIGHTS MD 20743

SHENGLIN R. CHEN, ET AL.,

Appellants,

v.

ALVIN TURNER, ET AL.,

Appellee,

IN THE

COURT OF SPECIAL APPEALS

OF MARYLAND

September Term, 2019

No. 1903

\* \* \* \* \*

**ORDER**

This appeal was dismissed by Order entered on May 11, 2020 for the appellants' failure to file the necessary transcript(s) and failure to respond to this Court's March 17, 2020 Order to Show Cause. On June 12, 2020, the appellants filed a "Motion to Reconsider This Dismissed." The appellants do not identify any reason for their failure to file the necessary transcript(s), and it appears from a review of the circuit court docket that the transcripts still have not been filed. The appellees have not filed a response to the appellants' motion.

Maryland Rule 8-602(e)(1) requires that a motion for reconsideration of dismissal be filed no more than ten days following the entry of the order of dismissal. Because the motion was filed 32 days following the entry of the order of dismissal, the motion is untimely.

Accordingly, it is this 10<sup>th</sup> day of July 2020, by the Court of Special Appeals,

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## Statement of Jurisdiction

Petitioners' petition for hearing to the Maryland Court of Appeals was denied on December 21, 2020. Petitioner invokes this Court's jurisdiction under 28 U.S.C. §1257, having timely filed this petition for a writ of certiorari within ninety days of the Maryland Court's judgment.

Petitioners are seeking review of a decision of the MD court of special Appeals, and the Court Of Appeals denying the petition for review (Exhibit appended).

As an INTERLOCUTORY APPEAL case , the lower courts have no rights dismissing by law.



SHENGLIN R. CHEN, ET AL.,

Appellants,

v.

ALVIN TURNER, ET AL.,

Appellee.

IN THE

COURT OF SPECIAL APPEALS

OF MARYLAND

September Term, 2019

No. 1903

\* \* \* \* \*

ORDER

This appeal was dismissed by Order entered on May 11, 2020 for the appellants' ?1 failure to file the necessary transcript(s) and failure to respond to this Court's March 17, ?2 2020 Order to Show Cause. On June 12, 2020, the appellants filed a "Motion to Reconsider This Dismissed." The appellants do not identify any reason for their failure ?3 to file the necessary transcript(s), and it appears from a review of the circuit court docket ?4 that the transcripts still have not been filed. The appellees have not filed a response to the appellants' motion.

Maryland Rule 8-602(e)(1) requires that a motion for reconsideration of dismissal be filed no more than ten days following the entry of the order of dismissal. Because the motion was filed 32 days following the entry of the order of dismissal, the motion is ?5 untimely.

Accordingly, it is this 10<sup>th</sup> day of July 2020, by the Court of Special Appeals,

Distort the facts , Paradox

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

ALVIN TURNER  
*Plaintiff(s),*

v.

SHENGLIN R. CHEN, *et al*  
*Defendant(s).*

Case No.: CAE18-22460

OPINION AND ORDER OF COURT

This matter came before the Court for a two day bench trial on Plaintiffs' Complaint consisting of six counts: 1) Declaratory Judgment, 2) Ejectment, 3) Temporary Restraining Order, 4) Preliminary Injunction, 5) Permanent Injunction; and 6) Trespass. At the trial, Plaintiffs, Plaintiffs' Counsel, Defendant Shenglin R. Chen, and Defendants' Counsel were present and each called and questioned witnesses.

Annotated Code of Maryland, Courts and Judicial Proceedings § 3-401 et. seq. states the rules for a Declaratory Judgment. Section 3-409(a)(1) permits a declaratory judgment if an actual controversy exists between contending parties. The Plaintiffs in this case are Alvin and Jeannette Turner and the Defendants are Shenglin Chen and Chaohua Chen. The Plaintiffs filed this action on July 3, 2018. During Mrs. Turner's direct testimony, she testified that the Plaintiffs created 401 Yolanda Avenue LLC on January 29, 2018 (Plaintiffs' Exhibit #3) and on June 11, 2018 transferred her husband's and her ownership interest in the parcel of land with the street address of 401 Yolanda Avenue, Capital Heights to 401 Yolanda Avenue LLC (Plaintiffs' Exhibit #4). At the time Plaintiffs filed this request for a Declaratory Judgment, the Plaintiffs no longer owned the land where the disputed ingress/egress gravel road is located and therefore, the Plaintiffs and Defendants did not have "an actual controversy existing between the contending parties." Since 401 Yolanda Avenue, LLC is a necessary and proper party, the Court will not issue a declaratory judgment and will dismiss the case without prejudice. Likewise, the Plaintiffs are not entitled to a claim of ejectment or to any injunctive relief because the Plaintiffs can not demonstrate immediate and irreparable harm. Finally, as to the trespass count, the

ENTERED: 11/31/2020

1



Plaintiffs must establish 1) an interference with a possessory interest in their property, 2) through the Defendants' physical act or force against the property, and 3) which was executed without consent.

Here, the Plaintiffs have established that they acquired the property on August 2, 2017 (Plaintiffs' Exhibit #1) and transferred the property on June 11, 2018 (Plaintiffs' Exhibit #4). During their ownership, Plaintiffs testified that they had a fence erected around the property in January 2018. Both Plaintiffs and their son testified they observed Defendant Ms. Chen cut down portions of the new fence on January 23, 2018. When the Plaintiffs confronted Defendant Ms. Chen and instructed her to stop, Defendant Ms. Chen refused. Plaintiffs called County Police to stop further destruction. Plaintiff Mr. Turner testified that he observed Ms. Chen and/or her renters trespass on the parcel at least six (6) times prior to erecting the fence. Based on Plaintiffs' testimony, this Court will find that Ms. Chen and/or her renters have crossed over the gravel road without the Plaintiffs' consent and they continue to use the 10-foot gravel road. The Court finds the Defendants do not have a legal right to use the 10-foot gravel road and each time they utilize it for ingress and egress, they are trespassing and are subject to legal action. Plaintiff Mr. Turner further testified that he has not repaired the fence because he feared Defendants would cut it down again and continue to use the gravel road across 401 Yolanda Avenue LLC's parcel. Since Plaintiffs are no longer the owners of the parcel, they have no right or responsibility to recover costs to repair the fence.

It is, therefore, this <sup>10<sup>th</sup></sup> day of January, 2020, in the Circuit Court for Prince George's County, Maryland, hereby,

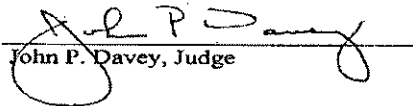
**ORDERED**, that the Plaintiffs' Counts 1 – 5 are **DISMISSED without prejudice** because 401 Yolanda Avenue LLC is the title owner of the disputed gravel road; and it is further,

**ORDERED**, that Defendants have trespassed on 401 Yolanda Avenue parcel<sup>1</sup> during Plaintiffs' ownership of the parcel; however, Plaintiffs have not suffered any

<sup>1</sup> During opening and closing arguments, Defendants argued they had the right to use the gravel road from the Chens' property across the 401 Yolanda Avenue LLC's parcel (see Boundary Survey, Plaintiffs' Exhibit #2) under a legal theory "easement by necessity." One of the prerequisites for an easement by necessity is the easement must be necessary in order for the grantor or grantee of the property in question to be able to access his or her land, with the necessity existing both at the time of the severance and at the time of the exercise of the easement. Defendants' argument fails for two reasons: 1)

monetary damages as to repairing the fence or as to lost rent for the period of February 9, 2018 (date of the rental permit, Plaintiffs' Exhibit #16) through June 11, 2018 (date of transfer). The fence has not been repaired and Plaintiffs have not proven that Defendants' actions actually interfered with their ability to rent the property; and it is further,

**ORDERED**, that this case is closed statistically.

  
John P. Davey, Judge

Copies to: 1-10-2020

Matthew J. Dyer, Esq., [mattydyer32@gmail.com](mailto:mattydyer32@gmail.com)

Krystal R. Wilson, Esq., [krystal@krwilsonlaw.com](mailto:krystal@krwilsonlaw.com)

Defendants' Deed (Plaintiffs' Exhibit #14) provides them "with a 15-Foot easement adjacent with, continuous, and parallel to the east side of the described property for the purposes of ingress and egress" to Old Central Avenue, and 2) from the time the Defendants purchased their property in 2013 to 2016, the Defendants used the recorded easement to access their property. This Court finds that Defendants do not have any legal right to use the 10 foot gravel road because they have alternative access that existed when they chose to create and use the disputed gravel road access.

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**b2**

Because the judge barred petitioners from entry any evidence or testimony in defense this complaint, there's no argument of petitioners' side, the judge co-work with plaintiff fraud #14 without site review, there's a 1.5ft by .3 mile's forest-dirt road to old central Ave, not a 15 ft wide ingress/egress, the fire fact on April 10.2019 and burnt out property, there's 100 firemen can only via the fire exit as ingress/ egress attached evidence from fire department. with the site survey.

BOOK: 39981 PAGE: 190

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

ALL THAT PROPERTY SITUATE IN PRINCE GEORGE'S COUNTY, STATE OF MARYLAND,  
DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE FOUND ON THE NORTHWEST CORNER OF WILLIAM A. AND ANNA E. KEYSER, LIBER 227, FOLIO 475 AND RUNNING ON A DIVISION LINE BETWEEN LOT 10 AND LOT 13 OF 'MURDAUGH AND WHITING'S SUBDIVISION OF LOTS 1, 2, AND 4 OF JOHNSON'S SUBDIVISION OF PART OF A TRACT CALLED SEAT PLEASANT, S. 77 DEG 33 MIN. 50 SEC. W. 174.50 FEET TO AN IRON PIPE, THENCE THROUGH LOT 9, N. 12 DEG. 26 MIN 10 SEC. W. 503.03 FEET TO AN IRON PIPE, THENCE WITH THE SOUTH SIDE OF YOLANDA AVENUE AND BELHAVEN SUBDIVISION (B.D.S. 1-36) N. 77 DEG. 33 MIN 50 SEC. E. 174.50 FEET TO AN IRON PIPE FOUND, THENCE WITH THE LINE OF RAYMOND A. GIRARD LIBER 2345, FOLIO 297, AND CHARLES G. PENKERT, LIBER 889, FOLIO 465 S 12 DEG 26 MIN 10 SEC E 503.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 87,778.7 SQUARE FEET OR 2.0151 ACRES. AS PER DEED DESCRIPTION PREPARED BY W. L. MEEKINS, INC. DATED NOVEMBER 16TH, 1977.

PRINCE GEORGE'S COUNTY CIRCUIT COURT (Land Records) SJH 39981, p. 0190, NSA, CCE64, 40290, Date available 09/11/2017 Printed 04/12/2018.

**Additional material  
from this filing is  
available in the  
Clerk's Office.**