

PER CURIAM:

Steve Carl Chadwick appeals the district court's order dismissing his 42 U.S.C. § 1983 complaint without prejudice under 28 U.S.C. § 1915A(b). We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order, *Chadwick v. Maryland*, No. 1:24-cv-01985-TDC (D. Md. Aug. 28, 2024). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

STEVEN C. CHADWICK,

Plaintiff,

v.

THE STATE OF MARYLAND,

Defendant.

Civil Action No. TDC-24-1985

ORDER

Steven C. Chadwick, currently confined at Western Correctional Institution ("WCI") in Cumberland, Maryland, has filed a civil rights complaint pursuant to 42 U.S.C. § 1983 ("§ 1983"). Chadwick has also filed a Motion for Leave to Proceed *in Forma Pauperis*. Because Chadwick is a self-represented prisoner proceeding *in forma pauperis*, a district court must screen the complaint and dismiss it if it is "frivolous or malicious," "fails to state a claim on which relief may be granted," or "seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915A(b) (2018).

Here, Chadwick's Complaint, even construed liberally, cannot provide any basis for relief. Chadwick alleges that he has been denied the opportunity to be identified by the witnesses and the victim in his criminal proceeding and has been denied the "right to address said issue through a tort claim." Compl. at 4, ECF No. 1. Chadwick argues that, as a result, he is unable to have his sentence overturned and seeks monetary damages of \$98,550. While Chadwick has a right to confront the witnesses against him in a criminal prosecution, there is no constitutional guarantee that those witnesses must identify the criminal defendant. *See Smith v. Arizona*, 144 S. Ct. 1785,


1791 (2024) (noting that the Confrontation Clause of the Sixth Amendment to the United States Constitution “protects a defendant’s right of cross-examination by limiting the prosecution’s ability to introduce statements made by people not in the courtroom”). Further, to the extent that there was a fundamental failure that occurred in the context of Chadwick’s criminal prosecution, the remedy for such an error is not through the Maryland State Tort Claims Act, but through appellate and post-conviction review in the state court. That is especially true where, as here, Chadwick did not comply with the notice provision of the Maryland State Tort Claim Act. See Md. Code Ann., State Gov’t. § 12-106(b) (West 2021) (requiring notice of a tort claim against the State to be sent to the State Treasurer). Moreover, any claim for damages against the State of Maryland is barred by the Eleventh Amendment to the United States Constitution. See *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100 (1984).

Lastly, to the extent that Chadwick moves for an entry of default against the State of Maryland in his “Declaration for Entry of Default,” ECF No. 5, that request will be denied because service has not yet been ordered.

Accordingly, it is hereby ORDERED that:

1. The Motion for Leave to Proceed *in Forma Pauperis*, ECF No. 2, is GRANTED.
2. The Motion for Default, ECF No. 5, is DENIED.
3. Chadwick’s Complaint is DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1915A(b).
4. The Clerk is directed to close this case.

Date: August 27, 2024


THEODORE D. CHUANG
United States District Judge

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