

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Keyon Ronald Harling v. America's Realty, LLC

No. 25-cv-2631-ABA (D. Md. Apr. 23, 2026) · No. 25-cv-2631-ABA · Decided April 23, 2026

SUMMARY

The United States District Court for the District of Maryland granted America’s Realty, LLC’s motion to dismiss Keyon Ronald Harling’s claims arising from a shooting at Iverson Mall. The court dismissed the 42 U.S.C. § 1983 claim because the defendant was a private entity and the complaint did not allege state action. It also dismissed any negligence claim for lack of federal subject-matter jurisdiction because the complaint alleged that both parties were Maryland residents.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Adam B. Abelson
JURISDICTION	United States District Court for the District of Maryland
DECIDED	April 23, 2026
DOCKET	25-cv-2631-ABA
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss for failure to state a claim and lack of subject matter jurisdiction. The court granted the motion and dismissed the case.
STANDARD OF REVIEW	For a motion to dismiss under Rule 12(b)(6), the court accepts all factual allegations as true and draws all reasonable inferences in favor of the plaintiff. For a facial challenge to subject matter jurisdiction under Rule 12(b)(1), the same standard applies.
PRECEDENTIAL VALUE	Unpublished
PARTIES	Keyon Ronald Harling v. America's Realty, LLC

TOPICS

- section 1983
- state action
- subject matter jurisdiction
- motions to dismiss
- negligence
- premises liability
- civil procedure
- torts

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiff stated a claim under 42 U.S.C. § 1983 against a private entity absent allegations of state action.
2. Whether the court has subject matter jurisdiction over a state law negligence claim where parties are not diverse and no federal question is presented.

HOLDINGS

1. To state a claim under § 1983, a plaintiff must allege violation of a federal right by a person acting under color of state law. A purely private party may be sued only if it has a close nexus to the state such that it may fairly be said to be a state actor. Plaintiff failed to allege any state action or close nexus, so the § 1983 claim is dismissed.
2. Federal courts have limited jurisdiction. Negligence is a state law claim, so federal question jurisdiction is absent. Diversity jurisdiction requires complete diversity and amount in controversy over \$75,000; here both parties are Maryland residents, so diversity is lacking. Therefore, any negligence claim must be dismissed for lack of jurisdiction.

KEY QUOTATIONS

“To state a claim under 42 U.S.C. § 1983, ‘a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law.’ West v. Atkins, 487 U.S. 42, 48 (1988).” (slip op. at 3)

“A plaintiff may not sue a purely private party under § 1983 unless the private party acts with such a ‘close nexus’ to the state that it ‘may fairly be said to be a state actor.’ Mentavlos v. Anderson, 249 F.3d 301, 310 (4th Cir. 2001).” (slip op. at 3)

“Federal courts have limited jurisdiction, ‘constrained to exercise only the authority conferred by Article III of the Constitution and affirmatively granted by federal statute.’ In re Bulldog Trucking, Inc., 147 F.3d 347, 352 (4th Cir. 1998).” (slip op. at 4)

“Even in reading the complaint and opposition with deference to Mr. Harling, and accepting all of the allegations in his complaint as true, his § 1983 claim cannot proceed because he has not pled any connection between Defendant and the government.” (slip op. at 4)

FACTUAL BACKGROUND

Plaintiff was shot multiple times outside Iverson Mall, owned by Defendant. He suffered severe injuries including leg amputation. He alleges Defendant's gross negligence in failing to provide adequate security. He seeks \$9 million in damages under state negligence and 42 U.S.C. § 1983.

PROCEDURAL HISTORY

Plaintiff filed complaint in August 2025. Defendant moved to dismiss. The motion was fully briefed. The court issued a memorandum opinion granting the motion and closing the case.

DISPOSITION

dismissed

CASES CITED

- West v. Atkins, 487 U.S. 42 (1988)
- United States v. Classic, 313 U.S. 299 (1941)
- Mentavlos v. Anderson, 249 F.3d 301 (4th Cir. 2001)
- Menk v. MITRE Corp., 713 F. Supp. 3d 113 (D. Md. 2024)
- Erickson v. Pardus, 551 U.S. 89 (2007)
- Weller v. Dep't of Soc. Servs., 901 F.2d 387 (4th Cir. 1990)
- In re Bulldog Trucking, Inc., 147 F.3d 347 (4th Cir. 1998)
- Hertz Corp. v. Friend, 559 U.S. 77 (2010)
- Anpu El v. Walker Mews Apartments, No. 21-cv-1504-ELH, 2021 WL 2936280 (D. Md. July 13, 2021)
- Davis v. PrimeCare Med., Inc., No. 18-cv-229-PWG, 2019 WL 763962 (D. Md. Feb. 21, 2019)
- Bell Atl. Corp. v. Twombly, 550 U.S. 554 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- King v. Rubenstein, 825 F.3d 206 (4th Cir. 2016)
- Davis v. Thompson, 367 F. Supp. 2d 792 (D. Md. 2005)
- Kerns v. United States, 585 F.3d 187 (4th Cir. 2009)
- Adams v. Bain, 697 F.2d 1213 (4th Cir. 1982)
- Episcopal Church in S.C. v. Church Ins. Co. of Vt., 997 F.3d 149 (4th Cir. 2021)