

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Keezio Group, LLC v. U.S. Consumer Product Safety Commission, et al.

Keezio · No. Civ. No. MJM-25-1389 · Decided April 22, 2026

SUMMARY

The United States District Court for the District of Maryland grants the defendants’ motion to dismiss Keezio Group, LLC’s claims arising from a Consumer Product Safety Commission press release concerning the safety of Keezio infant sleep products. The court holds that the press release was not agency action constituting a final agency action reviewable under the Administrative Procedure Act. The court also grants Keezio’s unopposed motion to take judicial notice of a government record.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Matthew J. Maddox
JURISDICTION	United States District Court for the District of Maryland
DECIDED	April 22, 2026
DOCKET	Civ. No. MJM-25-1389
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss Keezio's Administrative Procedure Act and Fifth Amendment Due Process Clause claims.
STANDARD OF REVIEW	On a facial Rule 12(b)(1) challenge, the court accepts the complaint's allegations as true and affords the plaintiff the same procedural protections applicable under Rule 12(b)(6). A Rule 12(b)(6) complaint must allege a plausible claim for relief; the motion tests the sufficiency of the complaint rather than resolving factual disputes.
PRECEDENTIAL VALUE	unpublished

TOPICS

- judicial review of agency action
- administrative procedure act
- motions to dismiss
- subject matter jurisdiction
- due process

PRACTICE AREAS

administrative law

consumer protection

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether the CPSC's press release constituted reviewable final agency action under the APA.
2. Whether Keezio plausibly alleged a Fifth Amendment procedural or substantive due process violation based on the CPSC's press release and related conduct.
3. Whether the court could take judicial notice of the identified government record.

HOLDINGS

1. The press release was not reviewable final agency action because it was not an agency order or other action determining rights or obligations, imposing legal consequences, or consummating the CPSC's decisionmaking process.
2. Keezio failed to state either a procedural or substantive due process claim because it did not plausibly allege deprivation of a cognizable property interest by the government or conduct that shocked the contemporary conscience.
3. The court granted Keezio's unopposed motion to take judicial notice of the identified government record.

KEY QUOTATIONS

“An agency action must satisfy two conditions to be deemed “final” under the APA.” (Section IV.A)

“The Press Release did not determine Keezio’s, nor any other party’s, “rights or obligations[,]” nor did it impose any “legal consequences” upon Keezio.” (Section IV.A)

“The same reasoning applies here. Keezio does not allege that CPSC prohibited or otherwise eliminated its ability to sell its products.” (Section IV.B)

FACTUAL BACKGROUND

Keezio manufactures and sells infant and toddler sleep products, including an OEM replacement play-yard mattress pad. The CPSC issued notices of violation concerning the product, allegedly applied an incorrect safety standard, and later issued a press release warning consumers of a risk of serious injury or death. Amazon distributed the warning to approximately 108,000 customers, offered refunds at Keezio's expense, and removed Keezio's products from its platform. Keezio alleged that the CPSC's actions caused substantial refunds, lost sales, and reputational harm.

PROCEDURAL HISTORY

Keezio filed a two-count complaint on May 1, 2025, challenging the CPSC's press release concerning Keezio's infant sleep product and asserting APA and due process claims. Defendants moved to dismiss for lack of subject-matter jurisdiction and failure to state a claim. The court granted the motion and dismissed the complaint without prejudice. The court also granted Keezio's unopposed motion to take judicial notice of a government record.

DISPOSITION

dismissed

CASES CITED

- Evans v. B.F. Perkins Co., 166 F.3d 642, 647 (4th Cir. 1999)
- Richmond, Fredericksburg & Potomac R.R. Co. v. United States, 945 F.2d 765, 768 (4th Cir. 1991)
- Am. Acad. of Pediatrics v. FDA, 379 F. Supp. 3d 461, 474 (D. Md. 2019)
- Invention Submission Corp. v. Rogan, 357 F.3d 452, 458–60 (4th Cir. 2004)
- Adams v. Bain, 697 F.2d 1213, 1219 (4th Cir. 1982)
- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Bennett v. Spear, 520 U.S. 154, 178 (1997)
- Jake's Fireworks Inc. v. U.S. Consumer Prod. Safety Comm'n, 105 F.4th 627, 631–34 (4th Cir. 2024)
- Pharm. Mfrs. Ass'n v. Kennedy, 471 F. Supp. 1224, 1227–33 (D. Md. 1979)
- Doe v. Tenenbaum, 127 F. Supp. 3d 426, 459–65 (D. Md. 2015)
- Paul v. Davis, 424 U.S. 693, 702 (1976)
- Sunrise Corp. of Myrtle Beach v. City of Myrtle Beach, 420 F.3d 322, 328 (4th Cir. 2005)
- Mallinckrodt Inc. v. FDA, Civ. No. DKC-14-03607, 2015 WL 13091366, at *16–17 (D. Md. July 29, 2015)
- Indus. Safety Equip. Ass'n, Inc. v. EPA, 837 F.2d 1115, 1122 (D.C. Cir. 1988)
- Old Dominion Dairy Products, Inc. v. Sec. of Def., 631 F.2d 953, 963 (D.C. Cir. 1980)
- Trifax Corp. v. District of Columbia, 314 F.3d 641, 644 (D.C. Cir. 2003)
- Flue-Cured Tobacco Cooperative Stabilization Corp. v. EPA, 313 F.3d 852, 857–61 (4th Cir. 2002)