

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Michael Allen v. United States, et al.

Allen · No. MJM-24-2653 · Decided January 21, 2026

SUMMARY

The District of Maryland denied Michael Allen’s motions for leave to amend his complaint, entry of default against the State of Maryland and the United States, and appointment of counsel. The court held that the proposed amended complaint was futile because it did not cure pleading, jurisdictional, sovereign-immunity, standing, or other substantive deficiencies. The court ordered the case closed.

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	January 21, 2026
DOCKET	MJM-24-2653
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file an amended complaint, entry of default against the State of Maryland and the United States, and appointment of counsel after the court dismissed his original complaint without prejudice. The district court denied all pending motions and ordered the case closed.
STANDARD OF REVIEW	Leave to amend is governed by Federal Rule of Civil Procedure 15(a) and may be denied for prejudice, bad faith, or futility. An amendment is futile when it is clearly insufficient or frivolous on its face or would not survive a motion to dismiss. Entry of default under Rule 55(a) requires a showing that the defendant failed to plead or otherwise defend. Appointment of counsel under 28 U.S.C. § 1915(e)(1) is discretionary and requires exceptional circumstances, including a colorable claim and an inability to present it.
PRECEDENTIAL VALUE	unknown
PARTIES	Michael Allen v. United States, State of Maryland, Other defendants

TOPICS

motion to amend

default

subject matter jurisdiction

civil procedure

PRACTICE AREAS

civil procedure

civil rights

constitutional law

administrative law

government liability

QUESTIONS PRESENTED

1. Whether plaintiff should be granted leave to amend when the proposed amended complaint was facially deficient and would not survive a motion to dismiss.
2. Whether entry of default was warranted against the State of Maryland or the United States under Federal Rule of Civil Procedure 55(a).
3. Whether plaintiff demonstrated exceptional circumstances warranting appointment of counsel under 28 U.S.C. § 1915(e)(1).

HOLDINGS

1. Leave to amend was properly denied as futile because the proposed amended complaint failed to state a plausible claim within the court's subject matter jurisdiction and would not survive a motion to dismiss.
2. Entry of default was properly denied because plaintiff failed to show that either defendant failed to plead or otherwise defend against the action.
3. Appointment of counsel was properly denied because plaintiff did not present a colorable claim or exceptional circumstances warranting discretionary appointment of counsel.

KEY QUOTATIONS

"A proposed amendment is also futile if the claim it presents would not survive a motion to dismiss." (Part I)

"An untimely response to a motion does not by itself establish, under Rule 55(a), a defendant's failure to plead or otherwise defend against a plaintiff's claims." (Part II)

"This case does not present any exceptional circumstances that might warrant the appointment of counsel." (Part III)

FACTUAL BACKGROUND

Plaintiff sought to assert claims against the State of Maryland, the United States, federal agencies, and purportedly individual government officials based on alleged discrimination, negligence, constitutional violations, federal funding denials, and agency inaction. His proposed amended complaint did not identify specific funding applications, denials, discriminatory acts, responsible officials, violated regulations, or final agency actions. The proposed pleading also sought relief for alleged injuries to Ufora, Inc., a separate corporation, although plaintiff was proceeding without counsel.

PROCEDURAL HISTORY

The court previously granted defendants' motions to dismiss the original complaint, identifying pleading and jurisdictional defects, but dismissed without prejudice and allowed plaintiff to seek leave to amend. Plaintiff filed a motion for leave to amend and a document intended to serve as his proposed amended complaint, but the court found that the proposed pleading did not cure the defects. Plaintiff also sought entry of default and appointment of counsel; the court denied those motions and closed the case.

DISPOSITION

other

CASES CITED

- *Laber v. Harvey*, 438 F.3d 404, 426 (4th Cir. 2006)
- *Johnson v. Oroweat Foods Co.*, 785 F.2d 503, 510 (4th Cir. 1986)
- *Save Our Sound OBX, Inc. v. N. Carolina Dep't of Transportation*, 914 F.3d 213, 228 (4th Cir. 2019)
- *Perkins v. United States*, 55 F.3d 910, 917 (4th Cir. 1995)
- *Bing v. Brivo Sys., LLC*, 959 F.3d 605, 618 (4th Cir. 2020), cert. denied, 141 S. Ct. 1376 (2021)
- *Dixon v. Baltimore City Police Dep't*, 345 F. Supp. 2d 512, 513 (D. Md. 2003), aff'd, 88 F. App'x 610 (4th Cir. 2004)
- *Indus. Servs. Grp., Inc. v. Dobson*, 68 F.4th 155, 163–64 (4th Cir. 2023)
- *Blanco Ayala v. United States*, 982 F.3d 209, 215 (4th Cir. 2020)
- *Wood v. United States*, 845 F.3d 123, 127 (4th Cir. 2017)
- *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388, 389 (1971)
- *Ziglar v. Abbasi*, 137 S. Ct. 1843, 1848 (2017)
- *Williams v. United States*, Civ. No. DKC-21-537, 2021 WL 1720230, at *3 (D. Md. Apr. 30, 2021)
- *U.S. Army Corps of Eng'rs v. Hawkes Co.*, 578 U.S. 590, 597 (2016)
- *Bennett v. Spear*, 520 U.S. 154, 177 (1997)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)
- *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201–02 (1993)
- *Hughley v. Zanzibar on the Waterfront, LLC*, Civ. No. AW 10-1235, 2010 WL 2090316, at *2 (D. Md. May 21, 2010)
- *Kelly v. Hill*, Civ. ELH-20-2531, 2021 WL 3055615, at *18 (D. Md. July 19, 2021)
- *Colleton Preparatory Acad., Inc. v. Hoover Universal, Inc.*, 616 F.3d 413, 417 (4th Cir. 2010)
- *Miller v. Simmons*, 814 F.2d 962, 966 (4th Cir. 1987)
- *Whisenant v. Yuam*, 739 F.2d 160, 163 (4th Cir. 1984)
- *Mallard v. U.S. Dist. Ct.*, 490 U.S. 296, 298 (1989)
- *Jenkins v. Woodard*, 109 F.4th 242, 247 (4th Cir. 2024)

