

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

**DOMINIC BIANCHI, et al.**

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**Plaintiffs**

\*

**vs.**

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**Civil Action No. JKB-20-3495**

**BRIAN E. FROSH, et al.**

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**Defendants**

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**ORDER**

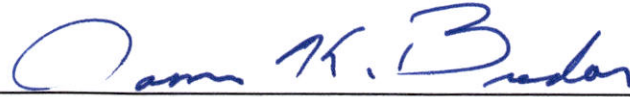
Plaintiffs brought this lawsuit against Defendants pursuant to 42 U.S.C. § 1983, alleging deprivation of Plaintiffs' rights under the Second and Fourteenth Amendments to the U.S. Constitution. (See Compl. ¶¶ 64–73, ECF No. 1.) Plaintiffs acknowledged in their Complaint that Plaintiffs' theory of liability is foreclosed by the Fourth Circuit's opinion deciding *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017) (*id.* ¶ 5), and indeed, Plaintiffs' suit seems to have no grounding in law. Accordingly, this Court ordered Plaintiffs to show cause, why this case should not be dismissed *sua sponte* for plain failure to state a claim upon which relief may be granted. (ECF No. 26.) On February 19, 2021, in their response to the Court's order to show cause, Plaintiffs conceded that "this Court has no discretion but to dismiss Plaintiffs' complaint." (ECF No. 27 at 1 (internal citations and quotations omitted).) The Court agrees. See *Eriline Co. S.A. v. Johnson*, 440 F.3d 648, 655 n.10 (4th Cir. 2006).

Accordingly, it is hereby ORDERED:

1. Plaintiffs' Complaint (ECF No. 1) is DISMISSED.
2. The Clerk is directed to CLOSE THIS CASE.

Dated this 3 day of March, 2021.

BY THE COURT:

A handwritten signature in blue ink that reads "James K. Bredar". The signature is written in a cursive style with a large initial "J" and "B".

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James K. Bredar  
Chief Judge