

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DOMINIC BIANCHI, et al.

*

Plaintiffs

*

vs.

*

Civil Action No. JKB-20-3495

BRIAN E. FROSH, et al.

*

Defendants

*

ORDER

Plaintiffs brought suit 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.) As Plaintiffs acknowledge in their Complaint, Plaintiffs' theory of liability is foreclosed by the opinion deciding *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017):

To be sure, Plaintiffs acknowledge that the result they seek is contrary to [*Kolbe*], but that case was wrongly decided. . . .

(*Id.* ¶ 5.)

Accordingly, Plaintiffs shall show cause on or before February 19, 2021, why this case should not be dismissed *sua sponte* for plain failure to state a claim upon which relief may be granted,¹ see *Eriline Co. S.A. v. Johnson*, 440 F.3d 648, 655 n.10 (4th Cir. 2006) (quoting 5A Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1357 (2d ed. 1990)),

¹ During a scheduling telephone conference with the parties and the Court on February 12, 2021, Counsel for Plaintiffs advised the Court that a short, seven-day period in which to show cause would not prejudice Plaintiffs' ability to respond to the instant show cause order.

and/or on the ground that Plaintiffs have pleaded an admission that it is impossible for them to prevail under controlling law.

Dated this 12 day of February, 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 horizontal line underneath it.

James K. Bredar
Chief Judge