

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 97-7758**

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LEBON BRUCE WALKER; PATRICIA ANNETTE WALKER,  
a/k/a Patricia Annette Lee,

Plaintiffs - Appellants,

versus

STATE OF MARYLAND, USE OF INVOLUNTARY WAIVERS  
TO DEPRIVE THE PLAINTIFFS OF THEIR RIGHT TO  
DUE PROCESS; THE CONSTITUTIONALITY OF DEFEN-  
DANTS' [IMPLIED WAIVER] AND THE LAW OF THE  
CASE GOVERNING WALKER V. STATE, 238 MD. 253  
(1995); THE CONSTITUTIONALITY OF AND OR  
VALIDITY OF PLAINTIFFS' [IMPLIED WAIVER] OF  
THE RIGHT TO BE PRESENT AT THEIR 1993 CRIMINAL  
TRIAL, ADOPTED BY THE TRIAL AND APPELLATE  
COURTS, ABSENT OF THE ESSENTIAL ELEMENT,

Defendants - Appellees.

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Appeal from the United States District Court for the District of  
Maryland, at Greenbelt. Deborah K. Chasanow, District Judge. (CA-  
97-3478-DKC)

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Submitted: July 2, 1998

Decided: July 20, 1998

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Before NIEMEYER and HAMILTON, Circuit Judges, and HALL, Senior  
Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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LeBon Bruce Walker, Patricia Annette Walker, Appellants Pro Se.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellants appeal from the district court's order denying relief on their complaint seeking a declaration that Maryland state courts violated their constitutional rights by concluding that Appellants had impliedly waived arraignment. To the extent that this was properly construed as a mandamus petition, our review of the record and the district court's opinion discloses that this appeal is without merit. Accordingly, we affirm on the reasoning of the district court. Walker v. Maryland, No. CA-97-3478-DKC (D. Md. Nov. 13, 1997). To the extent that Appellants seek declaratory relief, the action is properly construed as a habeas corpus action, and Appellants must first exhaust state court remedies. See Preiser v. Rodriguez, 411 U.S. 475, 489 (1973); Hamlin v. Warren, 664 F.2d 29 (4th Cir. 1981). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED