

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State ex rel. Melvin Davidson

Court of Appeals No. L-17-1207

Relator

v.

Judge Dean Mandros

DECISION AND JUDGMENT

Respondent

Decided: August 28, 2017

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Melvin Davidson, pro se.

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MAYLE, J.

{¶ 1} This case is before the court upon a complaint for writ of procedendo, filed on August 15, 2017, by relator, Melvin Davidson, against respondent, Judge Dean Mandros of the Lucas County Court of Common Pleas. Davidson, an inmate of the Chillicothe Correctional Institution, claims that he filed a motion to correct a void

sentence on June 6, 2016, and that Judge Mandros has failed to rule on the motion. He asks us to order Judge Mandros to issue a ruling on the motion.

{¶ 2} With his complaint, Davidson filed an affidavit of indigency asking us to waive the required filing fee. Under 6th Dist.Loc.App.R. 7(A) and R.C. 2969.25(C), when the party bringing the action is incarcerated and seeks to have prepayment of the filing fees waived, he must provide a certificate from the institution at which he is incarcerated stating the amount of funds he has on deposit available to secure costs and a statement describing any other items of value that he owns. Davidson did not do this.

{¶ 3} Because Davidson failed to comply with 6th Dist.Loc.App.R. 7(A) and R.C. 2969.25(C), we dismiss his complaint and order that he pay the costs of this action. The clerk is directed to serve upon the parties, within three days, a copy of this decision in a manner prescribed by Civ.R. 5(B).

{¶ 4} It is so ordered.

Writ denied.

Mark L. Pietrykowski, J.

JUDGE

James D. Jensen, P.J.

JUDGE

Christine E. Mayle, J.
CONCUR.

JUDGE