

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE EX REL. ROCCO COGNATI

Relator

v.

JUDGE JOY MALEK OLDFIELD

Respondent

C.A. No. 29883

ORIGINAL ACTION IN
PROCEDENDO

Dated: December 30, 2020

PER CURIAM.

{¶1} Relator Rocco Cognati has filed a petition asking this Court to issue a writ of procedendo ordering Respondent, Judge Joy Malek Oldfield, to rule on his pending petition for postconviction relief. Because Mr. Cognati’s petition for writ of procedendo does not comply with the mandatory requirements of R.C. 2969.25, this Court must dismiss this action.

{¶2} Mr. Cognati failed to comply with the statutory filing mandate that requires this Court to dismiss this case. R.C. 2969.25 sets forth specific filing requirements for inmates who file a civil action against a government employee or entity. Judge Oldfield is a government employee and Mr. Cognati, incarcerated in the Richland Correctional Institution, is an inmate. R.C. 2969.21(C) and (D). A case must be dismissed if an inmate fails to comply with the mandatory requirements of R.C. 2969.25 in the commencement

of the action. *State ex rel. Graham v. Findlay Mun. Court*, 106 Ohio St.3d 63, 2005-Ohio-3671, ¶ 6 (“The requirements of R.C. 2969.25 are mandatory, and failure to comply with them subjects an inmate’s action to dismissal.”).

{¶3} Mr. Cognati did not pay the cost deposit required by this Court’s Local Rules. He also failed to comply with R.C. 2969.25(C), which sets forth specific requirements for an inmate who seeks to proceed without paying the cost deposit. Mr. Cognati filed an affidavit of indigency which asked this Court to waive prepayment of the cost deposit. He did not, however, file a statement of his prisoner trust account that sets forth the balance in his inmate account for each of the preceding six months, as certified by the institutional cashier, as required by R.C. 2969.25(C).

{¶4} Because Mr. Cognati did not comply with the mandatory requirements of R.C. 2969.25, the case is dismissed. Costs taxed to Mr. Cognati.

{¶5} The clerk of courts is hereby directed to serve upon all parties not in default notice of this judgment and its date of entry upon the journal. Civ.R. 58.

LYNNE S. CALLAHAN
FOR THE COURT

HENSAL, J.
TEODOSIO, J.
CONCUR.

APPEARANCES:

ROCCO COGNATI, Pro se, Petitioner.