

THE STATE EX REL. GRAVES, APPELLANT, v. NEY, JUDGE, APPELLEE.

[Cite as *State ex rel. Graves v. Ney*, 1999-Ohio-35.]

Mandamus sought to compel common pleas court judge to answer relator's motion filed in opposition to the state's motion to dismiss—Dismissal of action affirmed, when.

(No. 99-1214—Submitted October 12, 1999—Decided November 24, 1999.)

APPEAL from the Court of Appeals for Hamilton County, No. C-990274.

{¶ 1} In April 1999, appellant, Gary Graves, filed a motion in the Court of Appeals for Hamilton County for a writ of mandamus to compel appellee, Hamilton County Common Pleas Court Judge Arthur M. Ney, Jr., to “answer the Defendant’s motion filed in opposition to the State’s motion to dismiss” Graves’s postconviction-relief petition. Judge Ney filed a motion to dismiss Graves’s action. The court of appeals granted Judge Ney’s motion and dismissed the action.

{¶ 2} This cause is now before the court upon an appeal as of right.

Gary Graves, pro se.

Per Curiam.

{¶ 3} We affirm the judgment of the court of appeals. Original actions for extraordinary relief like a writ of mandamus must be commenced by filing a complaint or petition rather than a motion. See *State ex rel. Brantley v. Ghee* (1998), 83 Ohio St.3d 521, 522, 700 N.E.2d 1258, 1259.

Judgment affirmed.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

SUPREME COURT OF OHIO
