

The Supreme Court of Ohio

CASE ANNOUNCEMENTS AND ADMINISTRATIVE ACTIONS

December 5, 2005

[Cite as *12/05/2005 Case Announcements*, 2005-Ohio-6400.]

MOTION AND PROCEDURAL RULINGS

2005-2258. Hernandez v. Kelly.

In Habeas Corpus. This cause originated in this court on the filing of a petition for a writ of habeas corpus and was considered in a manner prescribed by law. Upon consideration thereof,

IT IS ORDERED by the court, sua sponte, that the writ is allowed. Allowing the writ means only that a return is ordered. See *Reed v. Kinkela* (1998), 84 Ohio St. 3d 1427, 702 N.E.2d 903.

IT IS FURTHER ORDERED that respondent shall file a return of writ within fifteen days of service of the petition, and petitioner may file a response within five days after the return is filed. Petitioner's physical presence before the court is not required.