

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

October 6, 2009

[Cite as *10/06/2009 Case Announcements*, 2009-Ohio-5288.]

MERIT DECISIONS WITH OPINIONS

2009-0608. Presley v. Fraley, Slip Opinion No. 2009-Ohio-5255.

Franklin App. No. 08AP-767, 2009-Ohio-1558. Discretionary appeal accepted, and judgment of the court of appeals reversed.

Moyer, C.J., and Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

Pfeifer, J., dissents.

2009-0790. Missig v. Cleveland Civ. Serv. Comm., Slip Opinion No. 2009-Ohio-5256.

Cuyahoga App. No. 91699, 2009-Ohio-966. Discretionary appeal accepted, judgment of the court of appeals reversed, and cause remanded.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, Lanzinger, and Cupp, JJ., concur.

2009-0949. Feazel v. Mills, Slip Opinion No. 2009-Ohio-5257.

Butler App. Nos. CA2009-02-063 and CA2009-03-091. Discretionary appeal accepted, judgment of the court of appeals vacated, and cause remanded.

Moyer, C.J., and Pfeifer, Lundberg Stratton, O'Connor, O'Donnell, and Cupp, JJ., concur.

Lanzinger, J., dissents.

MOTION AND PROCEDURAL RULINGS

In re Hughley.

On September 16, 2009, this court found Kevin Hughley to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This court further ordered that Hughley was prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. On October 1, 2009, Hughley submitted a motion for leave to file a notice of appeal. Upon review of the proffered document, the court finds it without merit. Accordingly,

It is ordered by the court that Kevin Hughley is denied leave to file a notice of appeal.

2009-1583. State ex rel. Hague v. Ashtabula Cty. Bd. of Commrs.

In Mandamus. This cause originated in this court on the filing of a complaint for a writ of mandamus. Upon consideration thereof,

It is ordered by the court, sua sponte, that an alternative writ is granted and the following briefing schedule is set for presentation of evidence and filing of briefs pursuant to S.Ct.Prac.R. X:

The parties shall file any evidence they intend to present within ten days of the date of this entry; relator shall file a brief within seven days of the filing of the evidence; respondents' shall file a brief within seven days after the filing of relator's brief; and relator may file a reply brief within three days after filing of respondents' brief.

2009-1686. In re Broom.

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; *Hernandez v. Kelly*, 107 Ohio St.3d 1430, 2005-Ohio-6400, 838 N.E.2d 670.

It is further ordered that respondent shall file a return of writ within 21 days of service of the petition, and petitioner may file a response within ten days after the return is filed. Petitioner's physical presence before the court is not required.

2009-1749. Torrance v. West.

In Mandamus and Prohibition. This cause originated in this court on the filing of a complaint for a writ of mandamus and prohibition. Upon review of relator's proffered affidavit of indigency, submitted to waive the filing fee and security deposit,

It is ordered by the court, sua sponte, that within ten days of the date of this order relator shall either submit the \$40 filing fee and \$100 security deposit

required by S.Ct.Prac.R. XV or show good cause why he should be permitted to proceed with this action, or any future actions, without payment of the filing fee and security deposit.

2009-1750. Torrance v. Rucker.

In Mandamus and Prohibition. This cause originated in this court on the filing of a complaint for a writ of mandamus and prohibition. Upon review of relator's proffered affidavit of indigency, submitted to waive the filing fee and security deposit,

It is ordered by the court, sua sponte, that within ten days of the date of this order relator shall either submit the \$40 filing fee and \$100 security deposit required by S.Ct.Prac.R. XV or show good cause why he should be permitted to proceed with this action, or any future actions, without payment of the filing fee and security deposit.