

**THE STATE EX REL. MANUEL, APPELLANT, v. STENSON, APPELLEE.**

[Cite as *State ex rel. Manuel v. Stenson*, 126 Ohio St.3d 52, 2010-Ohio-2673.]

*Appellate procedure — Untimely appeal dismissed — S.Ct.Prac.R. 2.2(A)(1).*

(No. 2010-0248 — Submitted June 9, 2010 — Decided June 16, 2010.)

APPEAL from the Court of Appeals for Montgomery County, No. 23583.

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**Per Curiam.**

{¶ 1} We dismiss the appeal of appellant, Michael Manuel, because although he challenges the court of appeals' November 10, 2009 judgment denying his petition for a writ of mandamus, he failed to file a timely appeal from that judgment. S.Ct.Prac.R. 2.2(A)(1). His amended motion for rehearing, whether construed as a motion for reconsideration or a Civ.R. 60(B) motion for relief from judgment, did not extend his time to appeal the judgment. *State ex rel. Martin v. Ohio Adult Parole Auth.*, 124 Ohio St.3d 63, 2009-Ohio-6164, 918 N.E.2d 1005, ¶ 1. Manuel cannot use Civ.R. 60(B) as a substitute for a timely appeal. *Id.*

Appeal dismissed.

BROWN, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,  
O'DONNELL, LANZINGER, and CUPP, JJ., concur.

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Michael Manuel, pro se.

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