

**THE STATE EX REL. DAVENPORT, APPELLANT, v. THE STATE OF OHIO,
APPELLEE.**

[Cite as *State ex rel. Davenport v. State*, 146 Ohio St.3d 255, 2016-Ohio-3414.]

Mandamus—R.C. 2969.25(C)—Failure to document balance of inmate account for six months preceding filing of complaint—Court of appeals’ dismissal of complaint affirmed.

(No. 2015-1268—Submitted March 8, 2016—Decided June 16, 2016.)

APPEAL from the Court of Appeals for Franklin County, No. 14AP-1041.

Per Curiam.

{¶ 1} Relator-appellant, Carlos Davenport, is an inmate who filed a petition for a writ of mandamus in the Tenth District Court of Appeals requesting that court to order the trial court in his underlying criminal case to rule on motions that were allegedly pending. He filed an affidavit of indigency in the court of appeals that requested a waiver of fees and costs. However, he failed to provide a statement of the amount in his inmate account for each of the preceding six months, as required by R.C. 2969.25(C)(1).

{¶ 2} The court of appeals’ magistrate recommended that the court grant the state’s motion to dismiss the case for Davenport’s failure to satisfy the requirements of R.C. 2969.25. No objections were filed, and the court of appeals accepted and adopted the magistrate’s decision and recommendation as to that issue and dismissed the case. Davenport appealed.

{¶ 3} The court of appeals was correct to dismiss the case on the basis recommended by the magistrate. “ ‘The requirements of R.C. 2969.25 are mandatory, and failure to comply with them subjects an inmate’s action to dismissal.’ ” *Boles v. Knab*, 129 Ohio St.3d 222, 2011-Ohio-2859, 951 N.E.2d 389,

SUPREME COURT OF OHIO

¶ 1, quoting *State ex rel. White v. Bechtel*, 99 Ohio St.3d 11, 2003-Ohio-2262, 788 N.E.2d 634, ¶ 5; *State ex rel. McGrath v. McDonnell*, 126 Ohio St.3d 511, 2010-Ohio-4726, 935 N.E.2d 830, ¶ 1. We therefore affirm the judgment of the court of appeals.

{¶ 4} Finally, we deny Davenport’s motion for oral argument. Oral argument in a direct appeal is discretionary. S.Ct.Prac.R. 17.02(A). None of the factors we normally consider in granting a motion for oral argument exists in this case. See *State ex rel. Manley v. Walsh*, 142 Ohio St.3d 384, 2014-Ohio-4563, 31 N.E.3d 608, ¶ 16, citing *Appenzeller v. Miller*, 136 Ohio St.3d 378, 2013-Ohio-3719, 996 N.E.2d 919, ¶ 4, and cases cited therein.

Judgment affirmed
and motion denied.

O’CONNOR, C.J., and PFEIFER, O’DONNELL, LANZINGER, KENNEDY, FRENCH, and O’NEILL, JJ., concur.

Carlos Davenport, pro se.

Ron O’Brien, Franklin County Prosecuting Attorney, and Jeffrey C. Rogers,
Assistant Prosecuting Attorney, for appellee.
