

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY, OHIO**

IN RE EMELDA SNYPE,	:	PER CURIAM OPINION
Relator,	:	
- VS -	:	CASE NO. 2012-P-0002
THE STATE OF OHIO: JOHN ENLOW,	:	
IN HIS OFFICIAL CAPACITY AS JUDGE	:	
OF THE PORTAGE COUNTY COURT	:	
OF COMMON PLEAS,	:	
Respondent.	:	

Original Action for Writ of Prohibition.

Judgment: Petition dismissed.

Emelda Snype, pro se, 14837 Detroit Avenue, #208, Lakewood, OH 44107 (Relator).

John Enlow, pro se, Portage County Court of Common Pleas, 203 Main Street, Ravenna, OH 44266 (Respondent).

PER CURIAM

{¶1} Pending before this court is relator, Emelda Snype’s, Petition for Writ of Prohibition, filed on January 4, 2012. Respondent, Judge John Enlow of the Portage County Court of Common Pleas, has not filed an Answer or otherwise responded to the filing of Snype’s Petition. For the following reasons, Snype’s Petition is dismissed.

{¶2} Snype’s Petition states that she seeks “to prohibit Judge Enlow * * * from exercising an invalid Order and Journal entry.”

{¶3} Attached to the Petition are the following rulings, entered in the case of *Snype v. All Am. Inspection, LLC*, Portage County Court of Common Pleas Case No. 2010 CV 1279: a December 13, 2011 Order and Entry granting certain defendants' motion for summary judgment and dismissing plaintiff's claims against them; a December 13, 2011 Order and Journal Entry, denying plaintiff's motion for summary judgment; a December 13, 2011 Order and Journal Entry, denying plaintiff's third motion for default judgment; a December 13, 2011 Order and Journal Entry, granting certain other defendants' motion for summary judgment and dismissing plaintiff's claims against them; and a December 19, 2011 Order and Journal Entry, in which the trial court judge recuses himself, sua sponte, from hearing further motions filed in the matter.

{¶4} "The conditions which must exist to support the issuance of a writ of prohibition are: (1) The court or officer against whom it is sought must be about to exercise judicial or quasi-judicial power; (2) the exercise of such power must be unauthorized by law; and (3) it must appear that the refusal of the writ would result in injury for which there is no other adequate remedy in the ordinary course of the law." *State ex rel. McKee v. Cooper*, 40 Ohio St.2d 65, 320 N.E.2d 286 (1974), paragraph one of the syllabus.

{¶5} A court may, sua sponte, dismiss a Petition for Writ of Prohibition where the petition is frivolous and/or the petitioner "obviously" cannot prevail based on the facts alleged in the petition. *State ex rel. Fogle v. Steiner*, 74 Ohio St.3d 158, 160, 656 N.E.2d 1288 (1995).

{¶6} In accordance with the standard set forth in *Fogle*, *Snype* "obviously" cannot satisfy the requirements for a writ of prohibition based on the facts contained in her Petition. Specifically, Judge Enlow is not able to exercise judicial power. According

to the December 19, 2011 Order and Journal Entry attached to the Petition, Judge Enlow has recused himself from presiding over further proceedings in this matter. Snype does not allege that the judge is about to exercise judicial power. Rather, her Petition suggests that the December 13, 2011 Order and Journal Entries were invalid. Prohibition is not an appropriate remedy to review the validity of past judicial actions.

{¶7} For the foregoing reasons, Snype's Petition for Writ of Prohibition is dismissed.

DIANE V. GRENDELL, J., CYNTHIA WESTCOTT RICE, J., THOMAS R. WRIGHT, J.,
concur.