

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
CLINTON COUNTY

KENNETH JAY WILSON,	:	
	:	CASE NO. CA2001-10-034
Plaintiff-Appellant,	:	(Accelerated Calendar)
	:	
-vs-	:	<u>JUDGMENT ENTRY</u>
	:	5/20/2002
	:	
THOMAS I. FRANCIS, et al.,	:	
	:	
Defendants-Appellees.	:	

CIVIL APPEAL FROM COMMON PLEAS COURT

{¶1} This cause is an accelerated appeal from the Clinton County Court of Common Pleas.¹ Plaintiff-appellant, Kenneth J. Wilson, seeks to appeal the September 8, 2001 dismissal of his complaint seeking a writ of mandamus, damages, and declaratory judgment, and the October 2, 2001 denial of his subsequent motion to modify the trial court's dismissal entry and reinstate the case.²

1. Pursuant to Loc.R. 6(A), the court has sua sponte assigned this case to its accelerated calendar.

2. Appellant named two private individuals and three government agencies as defendants in his complaint. The trial court sua sponte dismissed the complaint based upon appellant's failure to comply with R.C. 2969.25. While this would warrant a dismissal of the case against the public agen-

{¶2} Appellant filed a single notice of appeal on October 12, 2001, appealing both the September 8 and October 2 trial court orders. The September 8, 2001 entry dismissing the complaint was a final appealable order, Gieg v. Gieg (1984), 16 Ohio App.3d 51, and since the notice of appeal was untimely as to that entry, this court has no jurisdiction to consider the September 8 dismissal entry. Donofrio v. Amerisure Ins. Co. (1990), 67 Ohio App.3d 272.

{¶3} Following the dismissal of his action, appellant asked the trial court to "modify its entry of Sept. 8, 2001 and to reinstate the case by dismissing any and all government entities." Appellant's motion to modify and reinstate his complaint following the entry of a final judgment is tantamount to a motion for reconsideration. The Ohio Rules of Civil Procedure do not prescribe motions for reconsideration after final judgment in the trial court and such a motion is a nullity when entered after a final appealable order. Grogan v. T.W. Grogan, Co. (2001), 143 Ohio App.3d 548; Baiko v. Mays (2000), 140 Ohio App.3d 1. The judgment of the trial court is hereby affirmed.

{¶4} Pursuant to App.R. 11.1(E), this entry shall not be relied upon as authority and will not be published in any form. A certified copy of this judgment entry shall constitute the mandate pursuant to App.R. 27.

cies, the dismissal as to individual defendants was also proper since mandamus will not lie to enforce a private right against a private individual. State ex rel. Longacre v. Penton Publishing Co., 77 Ohio St.3d 266, 1997-

{¶5} Costs to be taxed in compliance with App.R. 24.

James E. Walsh, Presiding Judge

Stephen W. Powell, Judge

William W. Young, Judge