

COURT OF APPEALS  
RICHLAND COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE ex rel.  
JAMES F. MORRISON

Relator

-vs-

MARGARET BRADSHAW, WARDEN  
RICHLAND CORRECTIONAL INST.

Respondent

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JUDGES:

Hon. John W. Wise, P.J.  
Hon., Patricia A. Delaney, J.  
Hon., Craig R. Baldwin, J.

Case No. 15CA50

O P I N I O N

CHARACTER OF PROCEEDING:

PETITION FOR  
WRIT OF MANDAMUS

JUDGMENT:

DISMISSED

DATE OF JUDGMENT:

April 28, 2016

APPEARANCES:

For Respondent

William D. Maynard (0037260)  
Assistant Attorney General  
Criminal Justice Section  
Corrections Unit  
150 East Gay Street, 16<sup>th</sup> Floor  
Columbus, OH 43215

For Relator

James F. Morrison, Pro Se  
Ohio Inmate I.D. No. A667172  
Richland Correctional Institution  
1001 Olivesburg Road  
P.O. Box 8107  
Mansfield, OH 44901-8107

*Delaney, J.*

{¶1} Relator has filed a Petition for writ of mandamus requesting this court issue a writ compelling the Respondent to comply with Ohio Administrative rule 5120-9-24 and in the alternative, to provide Relator with certain public records. Respondent has filed a motion to dismiss alleging Relator has failed to meet the technical requirements for filing a writ of mandamus. Respondent also argues the petition fails to state a claim upon which relief may be granted because Relator has or had an adequate remedy at law which would preclude the issuance of the writ.

{¶2} Relator has failed to comply with R.C. 2969.25(A), which provides that an inmate commencing a civil action against a government entity or employee must file an affidavit that contains a description of each civil action or appeal of a civil action filed in the previous five years in any state or federal court. *State ex rel. McGrath v. McDonnell*, 126 Ohio St.3d 511, 2010–Ohio–4726, 935 N.E.2d 830.

{¶3} Further, Relator has failed to comply with R.C. 2969.25(C)(1), which mandates that he file a statement setting forth his inmate account balance “for each of the preceding six months, as certified by the institutional cashier.” *State ex rel. Jackson v. Calabrese*, 143 Ohio St.3d 409, 2015–Ohio–2918, 38 N.E.3d 880; *State ex rel. Castro v. Corrigan*, 129 Ohio St.3d 342, 2011–Ohio–4059, 952 N.E.2d 497.

{¶4} “ ‘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, ¶ 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.

{¶5} Because Relator has failed to comply with R.C. 2969.25, we grant the motion to dismiss. Having determined the petition is procedurally defective, we need not address the remaining issues raised in the motion to dismiss.

By Delaney, J.

Wise, P.J. and

Baldwin, J. concur.