

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio, ex rel. Lonny Bristow

Court of Appeals No. L-12-1270

Relator

v.

Ed Sheldon, Warden, et al.

DECISION AND JUDGMENT

Respondents

Decided: November 9, 2012

* * * * *

Lonny Bristow, pro se.

Mike DeWine, Attorney General of Ohio, and David A. Lockshaw,
Jr., Assistant Attorney General, for respondent State of Ohio.

* * * * *

PER CURIAM.

{¶ 1} Before us is the motion of relator, Lonny Bristow, for leave to proceed pursuant to R.C.2323.52(F)(2), filed September 20, 2012. The state of Ohio filed an opposing memorandum on October 18, 2012. Bristow replied to it on October 19. The matter is now decisional.

{¶ 2} Bristow seeks leave from this court, pursuant to R.C.2323.52(F)(2), to file an action in mandamus against the Department of Rehabilitation and Correction (DRC). Because, as the state documents, Bristow has long been declared a vexatious litigator by the courts in Ohio and at the federal level, his motion and supporting memorandum must meet the two-part standard set forth in the above statute.

{¶ 3} R.C.2323.52(F)(2) states, in relevant part:

* * * The court of appeals shall not grant a person found to be a vexatious litigator leave for the institution or continuance of, or the making of an application in, legal proceedings in the court of appeals unless the court of appeals is satisfied that the proceedings or application are not an abuse of process of the court and that there are reasonable grounds for the proceedings or application.

{¶ 4} In his motion for leave, Bristow asserts that the DRC is noncompliant with the requirements of the Ohio Administrative Code regarding the method by which an “unapproved visitor” may deposit money to inmates through use of a money order. The state responds that Bristow’s motion relies “solely on a month old internet posting” without demonstrating any illegal or inappropriate act by the DRC or how he or anyone else has been adversely affected by the posting of the policy.

{¶ 5} Having reviewed Bristow’s supporting memorandum, we agree with the state that no reasonable grounds exist for allowing a mandamus proceeding. His

allegations fail to meet even facially the elements for a writ of mandamus. Thus, to allow such a proceeding would be an abuse of process. R.C.2323.52(F)(2).

{¶ 6} Accordingly, Bristow’s motion for leave to proceed is hereby denied. Costs of this motion are assessed to relator. It is so ordered.

Motion denied.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, P.J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.sconet.state.oh.us/rod/newpdf/?source=6.</p>
