

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

Tevin M. Strauder, State of Ohio, ex rel.

Court of Appeals No. E-13-068

Relator

v.

Tygh Tone, Judge Court of
Common Pleas, Erie County, Ohio

DECISION AND JUDGMENT

Respondent

Decided: November 21, 2013

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Tevin M. Strauder, pro se.

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PIETRYKOWSKI, J.

{¶ 1} This matter is before the court on the petition of pro se relator, Tevin M. Strauder, for a writ of mandamus to compel respondent, Judge Tygh Tone of the Erie County Court of Common Pleas, to issue relator 54 days of jail time credit to which

relator claims he is entitled. Given the following defect in relator's petition, we hereby dismiss the petition sua sponte.

{¶ 2} 6th Dist.Loc.App.R. 7(A) provides in relevant part:

No complaint in * * * mandamus * * * may be accepted for filing in this court unless the party bringing the action deposits with the clerk of the sum of \$100.00 as security for the payment of the costs that may accrue in the action. * * * If the party bringing the action or the party seeking the attendance of witnesses files with the clerk his sworn affidavit of inability to secure costs by such prepayment, the clerk shall file the complaint and subpoena the witnesses without the deposits. Except in a criminal habeas corpus action, if the affidavit is filed by an inmate of a state institution it shall be accompanied, as an exhibit thereto, by a certificate of the superintendent or other appropriate officer of the institution stating the amount of funds, if any, which the inmate has on deposit with the institution available to the inmate to secure costs. If the certificate demonstrates that the inmate has sufficient funds available to him to secure costs the clerk shall not file the complaint until the costs are secured.

{¶ 3} While relator, an inmate of a state institution, has attached to his petition an affidavit pursuant to R.C. 2969.25, which also declares his indigency, he has not attached a certificate of the appropriate officer of that institution setting forth the amount of funds, if any, which relator has on deposit with the institution available to relator to secure costs.

{¶ 4} Accordingly, relator's petition for a writ of mandamus is dismissed at relator's costs. The clerk is directed to serve upon the parties, within three days, a copy of this decision in a manner prescribed by Civ.R. 5(B).

Writ denied.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, P.J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

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| <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> |
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