

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

In re Denzell D. Jones

Court of Appeals No. L-13-1011

Petitioner

v.

The United States Sixth District Court
of Appeals of Ohio, ex rel. Gary G. Cook

DECISION AND JUDGMENT

Respondent

Decided: March 15, 2013

* * * * *

Denzell D. Jones, pro se.

* * * * *

PER CURIAM

{¶ 1} This matter is before the court on “expedited petition for a writ of mandamus,” filed pursuant to the “Federal Rules of Appellate Procedure Rule 21,” by Denzell D. Jones, pro se. By way of petition, filed January 29, 2013, Jones seeks from this court a writ of mandamus against respondent, The Honorable Gary G. Cook, compelling him to vacate a previous order based on alleged procedural delays and unspecified violations of judicial canons.

{¶ 2} Having reviewed Jones’ petition for a writ of mandamus, we find that it fails to comply with R.C.2731.04, and is thus improperly before the court and must be dismissed. *See Rust v. Lucas Cty. Bd. of Elections*, 108 Ohio St.3d 139, 2005-Ohio5795, 841 N.E.2d 766, ¶ 16 (“R.C. 2731.04 [requires] that an action for a writ of mandamus ‘be * * * in the name of the state on the relation of the person applying.’ Rust did not bring this action in the name of the state. ‘If * * * a respondent in a mandamus action raises this R.C. 2731.04 defect and relators fail to seek leave to amend their complaint to comply with R.C. 2731.04, the mandamus action must be dismissed.’” *Id.*)

{¶ 3} Accordingly, the petition is hereby ordered dismissed at petitioner’s costs.

{¶ 4} It is so ordered.

{¶ 5} To the Clerk: Manner of Service.

{¶ 6} Serve upon all parties in a manner prescribed by Civ.R.5(B) notice of the judgment and its date of entry upon the journal.

Writ denied.

Mark L. Pietrykowski, J.

JUDGE

Thomas J. Osowik, 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>
