

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 91341

**STATE OF OHIO, EX REL.,
CURTIS BOBBITT**

RELATOR

vs.

OHIO ADULT PAROLE AUTHORITY

RESPONDENT

**JUDGMENT:
COMPLAINT TRANSFERRED**

WRIT OF MANDAMUS
ORDER NO. 410115

RELEASE DATE: June 18, 2008

JOURNALIZED:

FOR RELATOR:

Curtis Bobbitt, pro se
Inmate No. 533-035
Richland Correctional Inst.
P.O. Box 8107
Mansfield, Ohio 44901

ATTORNEYS FOR RESPONDENT:

William D. Mason
Cuyahoga County Prosecutor
By: Dierdra M. Howard
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

MARY J. BOYLE, J.:

{¶ 1} Curtis Bobbitt, the relator, has filed a complaint for a writ of mandamus. Bobbitt seeks an order from this court, which requires the Ohio Adult Parole Authority, the respondent, to recognize and implement the order of the Cuyahoga County Court of Common Pleas, as rendered in *State v. Bobbitt*, Cuyahoga County Court of Common Pleas Case No. CR-07-492588-C, which granted pre-conviction jail time credit in the amount of eighty-nine days.

{¶ 2} Sua sponte, we find that a review of Bobbitt's complaint for a writ of mandamus demonstrates improper venue. Bobbitt specifically seeks mandamus

against the Ohio Adult Parole Authority, which is located in Columbus, Ohio. Bobbitt's cause of action arose where the Ohio Adult Parole Authority conducts its business and where the alleged wrong occurred. *State ex rel. Davis v. Ghee* (1998), 126 Ohio App.3d 569, 710 N.E.2d 1178. See, also, *State ex rel. Bickerstaff v. Ohio Adult Parole Auth.*, (Sept. 11, 1987), Scioto App. No. 1667.

{¶ 3} Improper venue, however, does not mandate dismissal of the complaint for a writ of mandamus. Civ.R. 3(C)(1) warrants transfer of the complaint to the proper forum. *Singleton v. Denny's Inc.* (1987), 36 Ohio App.3d 225, 522 N.E.2d 1097.

{¶ 4} Accordingly, this action is transferred to the Tenth Appellate District for Franklin County, where venue is proper. Costs waived.

Complaint transferred.

MARY J. BOYLE, JUDGE

COLLEEN CONWAY COONEY, P.J., and
SEAN C. GALLAGHER, J., CONCUR