

[Cite as *Henderson v. Shaffer*, 2010-Ohio-447.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94583

PAUL S. HENDERSON

PETITIONER

vs.

WARDEN SHAFFER

RESPONDENT

**JUDGMENT:
PETITION DISMISSED**

Writ of Habeas Corpus

Order No. 430763

RELEASE DATE: February 9, 2010

FOR PETITIONER

Paul S. Henderson, pro se
Inmate No. 88969
Cuyahoga County Jail
P.O. Box 5600
Cleveland, Ohio 44101

ATTORNEY FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

MELODY J. STEWART, P.J.:

{¶ 1} Petitioner, Paul S. Henderson, is the defendant in *State v. Henderson*, Cuyahoga County Court of Common Pleas Case No. CR-530899. He filed a “petition for writ of habeas corpus” which is clearly captioned “In the Court of Common Pleas Cuyahoga County.” The caption also includes “Case No. 09-530899.” Due to a clerical error, the clerk accepted Henderson’s petition for filing in this court.

{¶ 2} Accordingly, we dismiss this action sua sponte and instruct the clerk to file Henderson’s petition in the court of common pleas. See *State v. Nero*, Cuyahoga App. No. 85599, 2004-Ohio-6845. Each party to bear its own costs.

The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Petition dismissed.

MELODY J. STEWART, PRESIDING JUDGE

MARY J. BOYLE, J., and
FRANK D. CELEBREZZE, JR., J., CONCUR