

[Cite as *Jordan v. Cuyahoga Cty. Court of Common Pleas*, 2011-Ohio-1813.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 96013

MORRIS C. JORDAN

RELATOR

vs.

CUYAHOGA COUNTY
COURT OF COMMON PLEAS

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Mandamus/Procedendo
Motion No. 439789
Order No. 442249

RELEASE DATE: April 8, 2011

FOR RELATOR

Morris C. Jordan
Inmate No. 544-823
Lebanon Correctional Institution
P.O. Box 56
Lebanon, Ohio 45036

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

By: James E. Moss
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

KENNETH A. ROCCO, J.:

{¶ 1} Relator, Morris C. Jordan, requests that this court compel respondent court to rule on his “Writ of Mandamus to Compel the Official Court Reporter to provide for free copy of trial transcripts” filed in *State v. Jordan*, Cuyahoga County Court of Common Pleas Case No. CR-497993 on April 30, 2010.¹ Complaint, at 1.

{¶ 2} Respondent has filed a motion for summary judgment attached to which is a copy of a journal entry issued by respondent and received for filing

¹The docket in Case No. CR-497993 lists relator’s first name as “Mooris.”

by the clerk on November 29, 2010 in which respondent denied Jordan's request for relief in mandamus filed in CR-497993. Relator has not opposed the motion. Respondent argues that this action in mandamus is, therefore, moot. We agree.

{¶ 3} Additionally, we note that the complaint has various defects. The action is not on relation of the state as required by R.C. 2731.04. Jordan has not included the addresses of the parties in the caption as required by Civ.R. 10(A), which may also be a ground for dismissal. *Clarke v. McFaul*, Cuyahoga App. No. 89447, 2007-Ohio-2520, at ¶5.

{¶ 4} Loc.App.R. 45(B)(1)(a) provides, in part: "All complaints must contain the specific statements of fact upon which the claim of illegality is based and must be supported by an affidavit from the plaintiff or relator specifying the details of the claim." Jordan has not supported his complaint with the affidavit required by Loc.App.R. 45(B)(1)(a). Likewise, he has not complied with the requirement of R.C. 2969.25 that he provide an affidavit describing "each civil action or appeal of a civil action that the inmate has filed in the previous five years in any state or federal court." R.C. 2969.25(A). Each of these defects provide a basis for dismissal. *State ex rel. Nicholson v. Koch*, Cuyahoga App. No. 95283, 2010-Ohio-4143.

{¶ 5} Jordan also failed to support his complaint with a statement setting forth the balance in his inmate account as certified by the

institutional cashier. See R.C. 2969.25(C). As a consequence, we deny his claim of indigency. *Clarke*, supra.

{¶ 6} Accordingly, respondent's motion for summary judgment is granted. Relator to pay 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).

Writ denied.

KENNETH A. ROCCO, JUDGE

SEAN C. GALLAGHER, P.J., and
MELODY J. STEWART, J., CONCUR