

[Cite as *State ex rel. Wright v. Ohio Dept. of Rehab. & Corr.*, 2016-Ohio-819.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 103736

STATE OF OHIO, EX REL.
WILLIAM WRIGHT

RELATOR

vs.

OHIO DEPARTMENT OF REHABILITATION AND CORRECTION

RESPONDENT

JUDGMENT:
COMPLAINT DISMISSED

Writ of Mandamus
Motion No. 491509
Order No. 493265

RELEASE DATE: March 1, 2016

FOR RELATOR

William Wright
#561-218
Richland Correctional Institution
P.O. Box 8701
Mansfield, Ohio 44901

ATTORNEYS FOR RESPONDENT

Mike DeWine
Ohio Attorney General
By: Brandon Alexander Kennedy
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PATRICIA ANN BLACKMON, J.:

{¶1} William Wright has filed a complaint for a writ of mandamus. Wright seeks an order from this court that requires the Ohio Department of Rehabilitation and Correction (“ODRC”) to conduct a preliminary hearing and a parole revocation hearing. For the following reasons, we grant the motion to dismiss filed on behalf of the ODRC.

{¶2} Wright states that on August 11, 2015, he was released from the Richland Correctional Institution and transported to the Oriana House in Akron, Ohio, pursuant to the Transitional Control Program. Wright further states that on August 12, 2015, he was transferred back to the Richland Correctional Institution for an unspecified violation. Wright argues that he was returned to Richland Correctional without receiving a hearing. Wright alleges that the failure to conduct a hearing, prior to his transfer back to the Richland Correctional Institution, constitutes a violation of his Fourteenth Amendment rights under the U.S. Constitution.

{¶3} Initially, we find that Wright has failed to comply with R.C. 2969.25(A), which provides that an inmate commencing a civil action against a government entity or employee must file an affidavit that contains a description of each civil action or appeal of a civil action filed in the previous five years in any state or federal court. *State ex rel. McGrath v. McDonnell*, 126 Ohio St.3d 511, 2010-Ohio-4726, 935 N.E.2d 830.

{¶4} In addition, Wright has failed to establish that he has exhausted all other legal remedies prior to seeking a writ of mandamus from this court. *State ex rel. Walker v. Lancaster City School Dist. Bd. of Edn.*, 79 Ohio St.3d 216, 680 N.E.2d 993 (1997); *State ex rel. Ney v. Niehaus*, 33 Ohio St.3d 118, 515 N.E.2d 914 (1987). *See also State ex rel. Elkins v. Fais*, 143

Ohio St.3d 366, 2015-Ohio-2873, 37 N.E.3d 1229; *Turner v. Dept. of Rehab. & Corr.*, 144 Ohio St.3d 377, 2015-Ohio-2833, 43 N.E.3d 435; *State ex rel. Walker v. State*, 142 Ohio St.3d 365, 2015-Ohio-1481, 30 N.E.3d 947; *State ex rel Turner v. Corrigan*, 142 Ohio St.3d 303, 2015-Ohio-980, 29 N.E.3d 962; *State ex rel. Nickleson v. Mayberry*, 131 Ohio St.3d 416, 2012-Ohio-1300, 965 N.E.2d 1000. Wright possesses or possessed the ability to prosecute his claims of a denial of due process by filing a federal civil rights action pursuant to 42 U.S.C. 1983.

{¶5} Finally, this court lacks territorial jurisdiction over Wright's complaint for a writ of mandamus because the respondent is located beyond the territorial boundaries of Cuyahoga County, Ohio. The courts of Ohio have established that when a state prisoner sets forth a mandamus claim against the ODRC, the correct territorial jurisdiction for such a case is the county in which the actions or inactions of the ODRC took place. Nothing related to the present complaint for a writ of mandamus occurred within Cuyahoga County, this court's territorial jurisdiction. *State ex rel. Davis v. Ghee*, 126 Ohio App.3d 569, 710 N.E.2d 1178 (7th Dist.1998); *Pointer v. Ross*, 8th Dist. Cuyahoga No. 103376, 2015-Ohio-4692; *State ex rel. Simpson v. Jackson*, 10th Dist. Franklin No. 09AP-241, 2008-Ohio-4357; *Dewey v. State*, 11th Dist. Ashtabula No. 2006-A-0012, 2007-Ohio-471; *State ex rel. Hill v. Geisler*, 11th Dist. Portage No. 2005-P-0048, 2005-Ohio-6903.

{¶6} Accordingly, we grant the respondents' motion to dismiss. Costs to Wright. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶7} Complaint dismissed.

PATRICIA ANN BLACKMON, JUDGE

MARY EILEEN KILBANE, P.J., and
ANITA LASTER MAYS, J., CONCUR