

The Supreme Court of Ohio

CASE ANNOUNCEMENTS

July 22, 2020

[Cite as *07/22/2020 Case Announcements #3, 2020-Ohio-3715.*]

MERIT DECISIONS WITHOUT OPINIONS

2020-0413. State ex rel. Little v. Brown.

In Mandamus. On respondents' motion to dismiss amended complaint. Motion granted. Cause dismissed.

O'Connor, C.J., and Kennedy, French, DeWine, Donnelly, and Stewart, JJ., concur.

Fischer, J., concurs, with an opinion.

FISCHER, J., concurring.

{¶ 1} I concur in the court's decision to grant the motion to dismiss the amended complaint in this case. I write separately, however, to stress the fundamental principle that a court is not sui juris and cannot be sued.

{¶ 2} "A court is not a judge, nor a judge a court." *Todd v. United States*, 158 U.S. 278, 284, 15 S.Ct. 889, 39 L.Ed. 982 (1895). "A court is defined to be a place in which justice is judicially administered." *Id.*

{¶ 3} In his amended complaint, relator, Nyshawn Little, asks us to issue a writ of mandamus "ordering the *Tenth District Court of Appeals* to reinstate his appeal as timely filed." (Emphasis added.) However, "[a]bsent express statutory authority, a court can neither sue nor be sued in its own right." *State ex rel. Cleveland Mun. Court v. Cleveland City Council*, 34 Ohio St.2d 120, 122, 296 N.E.2d 544 (1973).

{¶ 4} Because Little can identify no express statutory authority permitting an appellate court to be sued, this court cannot issue a writ of mandamus ordering the Tenth District Court of Appeals to act in a certain manner.

{¶ 5} I accordingly concur in the court's judgment granting the motion to dismiss the amended complaint.
