

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

|                                         |   |                    |
|-----------------------------------------|---|--------------------|
| State ex rel. April Lashelle Clark,     | : |                    |
| Relator,                                | : |                    |
| v.                                      | : | No. 25AP-985       |
| Franklin County Court of Common Pleas,  | : | (REGULAR CALENDAR) |
| General Division, Judge David Young, in | : |                    |
| his official capacity et al.,           | : |                    |
| Respondents.                            | : |                    |

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D E C I S I O N

Rendered on September 17, 2026

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*April Lashelle Clark*, pro se.

*Zachary M. Klein*, City Attorney, and *Aaron D. Epstein*, for respondents.

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IN PROHIBITION, MANDAMUS, AND PROCEDENDO ON  
MOTIONS

PER CURIAM.

{¶ 1} Relator, April Lashelle Clark, has filed this action seeking writs of prohibition, mandamus, and procedendo against respondents, Franklin County Clerk of Courts; Zach Klein, City Attorney; Sheena Rosenberg, Assistant City Attorney; Judge David Young; and the Franklin County Court of Common Pleas. In her petition, Clark requests this court issue a writ of prohibition “prohibiting Respondent Judge David Young and the Franklin County Court of Common Pleas from taking any further action in Case No. 25CV000996.” (Compl. at pg. 4.) Clark requests a writ of mandamus to “compel[] Respondent Clerk of Courts to perform all ministerial duties required by law, including accurate docketing, correction of the record, disclosure of court-held funds, and production of required accountings.” *Id.* at pg. 5. Clark also requests this court issue a writ of procedendo “directing Respondents to

proceed to adjudication on the merits where jurisdiction exists, and to refrain from further action where jurisdiction has been divested.” *Id.*

{¶ 2} On January 23, 2026, Judge Young, the Court of Common Pleas, and the Clerk of Courts filed a motion to dismiss Clark’s petition. On January 28, 2026, Klein and Rosenberg, an Assistant Columbus City Attorney representing Klein in case No. 25CV-000996, filed a motion to dismiss Clark’s petition.

{¶ 3} Pursuant to Civ.R. 53 and Loc.R. 13(M) of the Tenth District Court of Appeals, this matter was referred to a magistrate. The magistrate considered the action on its merits and issued a decision, including findings of fact and conclusions of law, which is appended hereto. The magistrate recommends that this court grant respondents’ motions and dismiss this action.

{¶ 4} On May 27, 2026, Clark filed objections to the magistrate’s decision. We must therefore independently review the record and the decision to ascertain whether “the magistrate has properly determined the factual issues and appropriately applied the law.” Civ.R. 53(D)(4)(d).

## **I. PROCEDURAL HISTORY AND FACTS**

{¶ 5} On February 7, 2025, Rosenberg, on behalf of Klein, filed a complaint against Clark in the Franklin County Court of Common Pleas, asking the court to declare Clark a vexatious litigator and to prohibit her from instituting any litigation in the State of Ohio without first obtaining leave from the court. On February 13, 2025, Clark filed a notice of removal in an attempt to remove the case docketed as case No. 25CV-000996 to federal court. The federal court returned her notice of removal due to filing restrictions, as Clark had already been deemed a vexatious litigator in federal court.

{¶ 6} On November 6, 2025, Klein and Rosenberg moved to reinstate the case to active status, which the common pleas court did on December 1, 2025. On December 19, 2025, Clark filed the present petition before this court.

{¶ 7} On January 23, 2026, Judge Young, the court of common pleas, and the clerk of courts filed a motion to dismiss Clark’s petition, citing Civ.R. 12(B)(1) and (6). On January 28, 2026, Klein and Rosenberg also filed a motion to dismiss Clark’s petition, also citing Civ.R. 12(B)(1) and (6).

{¶ 8} On May 27, 2026, the magistrate issued the attached decision which recommends that this court grant the motions to dismiss. The magistrate found that Clark's petition does not allege any clear legal duty as applicable to Klein or Rosenberg, nor does her petition pray for any relief from Klein or Rosenberg, but is rather directed to the clerk of courts. The magistrate found that dismissal was appropriate for the claims against Klein and Rosenberg and that Clark was not entitled to an alternative writ. The magistrate also found that the claims in mandamus, prohibition, and procedendo against the common pleas court should similarly be dismissed, as a court is not sui juris. The magistrate found that Clark failed to state a claim in mandamus against the clerk of court and that Clark could prove no set of facts demonstrating that Judge Young and the common pleas court lacked subject-matter jurisdiction. The magistrate also determined that Clark failed to allege any clear legal duty in regard to Judge Young and that the online docket merely indicated active case management, nor that the clerk of court had a clear legal duty to proceed to judgment, as the clerk of courts cannot enter judgment on behalf of the court. Finally, the magistrate determined that Clark was not entitled to an alternative writ with respect to any of the respondents.

{¶ 9} On May 27, 2026, Clark filed objections to the magistrate's decision.

## II. DISCUSSION

{¶ 10} Clark lists the following objections to the magistrate's decision:

1. Fails to adequately address material facts and issues presented;
2. Fails to properly construe pro se pleadings liberally as required under *Haines v. Kerner*;
3. Fails to address substantial federal constitutional questions;
4. Fails to provide sufficient findings of fact and conclusions of law;
5. Relies upon conclusory statements rather than evidentiary analysis;
6. Operates to deny meaningful access to courts and due process protections;

7. Ignores allegations of fraud upon the court, obstruction, retaliation, and constitutional injury;
8. Improperly attempts disposition absent full merits review and adjudication.

(Obj.'s at 2.)

{¶ 11} Included with her objections to this court, Clark also included a “demand” for findings of fact and conclusions of law, a review of the merits, and proof of perfected service to various individuals. She also stated in her objections that she “expressly preserves all federal questions and constitutional objections.” *Id.* at 3. Clark, however, did not include arguments or expand upon the objections listed above.

{¶ 12} Civ.R. 53 states that “[a]n objection to a magistrate’s decision shall be specific and state with particularity all grounds for objection.” Civ.R. 53(D)(3)(b)(ii). Here, Clark did not specifically state the grounds for her objections, but only offered conclusory statements that do not contain any factual or legal support. Clark does not direct this court to what material facts and issues and substantial federal constitutional questions were not adequately addressed. Nor does she argue how her pleadings as a pro se litigant were improperly construed by the magistrate. She does not identify the conclusory statements she takes issue with, and she does not provide reference to the record to indicate how the magistrate’s decision denied her meaningful access to the court and due process protections or how it denied allegation of fraud upon the court. In fact, none of Clark’s conclusory statements are accompanied by reference to the record or any citations to any evidence or law.<sup>1</sup> Because Clark has not stated the grounds for her objections with any support, we overrule her objections to the magistrate’s decision.

### III. CONCLUSION

{¶ 13} Following our independent review of the record, we find the magistrate has properly discerned the relevant facts and appropriately applied the controlling law. As such, we overrule Clark’s objections to the magistrate’s decision and adopt the magistrate’s decision, including the findings of facts and conclusions of law contained therein, as our own. In accordance with the magistrate’s decision, we dismiss Clark’s petition for the

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<sup>1</sup> We note that in Clark’s second “general” objection she references “*Haines v. Kerner*” but provides no citation or argument to support her claim.

requested writs of prohibition, mandamus, and procedendo. We deny any pending motions, or “demands,” as moot.

*Magistrate’s decision adopted;  
petition for writs of prohibition, mandamus, and procedendo dismissed;  
pending motions denied as moot.*

BOGGS, P.J., BEATTY BLUNT, and LELAND, JJ., concur.

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**APPENDIX**  
**IN THE COURT OF APPEALS OF OHIO**  
**TENTH APPELLATE DISTRICT**

|                                         |   |                    |
|-----------------------------------------|---|--------------------|
| State ex rel. April Lashelle Clark,     | : |                    |
| Relator,                                | : |                    |
| v.                                      | : | No. 25AP-985       |
| Franklin County Court of Common Pleas,  | : | (REGULAR CALENDAR) |
| General Division, Judge David Young, in | : |                    |
| his official capacity et al.,           | : |                    |
| Respondents.                            | : |                    |

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**M A G I S T R A T E ’ S   D E C I S I O N**

Rendered on May 27, 2026

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*April Lashelle Clark, pro se.*

*Zach Klein, City Attorney, and Aaron D. Epstein, for respondents.*

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**IN PROHIBITION, MANDAMUS, AND PROCEDENDO  
ON MOTIONS**

{¶ 14} Relator, April Lashelle Clark, has commenced this original action seeking writs of prohibition, mandamus, and procedendo. In the prohibition action, relator seeks a writ ordering respondent, Judge David Young (“Judge Young”) and the Franklin County Court of Common Pleas (“common pleas court”), to take no further action in Franklin County C.P. No. 25CV000996 (“25CV-996”). In the mandamus action, relator seeks a writ ordering respondent Franklin County Clerk of Courts (“clerk of courts”) to perform all ministerial duties required by law, including accurate docketing, correction of the record, disclosure of court-held funds, and production of required accountings. In the procedendo

action, relator seeks a writ ordering respondents Judge Young and the common pleas court to proceed to adjudicate the merits where jurisdiction exists and to refrain from further action where jurisdiction has been divested. Respondents have filed motions to dismiss pursuant to Civ.R. 12(B)(1) and (6).

Findings of Fact:

{¶ 15} 1. Relator is the defendant in 25CV-996, a vexatious litigator action.

{¶ 16} 2. Respondent Zack Klein is the Columbus City Attorney and brought the vexatious litigator action against relator in 25CV-996.

{¶ 17} 3. Respondent Sheena Rosenberg is Assistant Columbus City Attorney and represented Klein in 25CV-996.

{¶ 18} 4. Respondent Judge Young presides over 25CV-996.

{¶ 19} 5. Respondent common pleas court is the court in which 25CV-996 was filed.

{¶ 20} 6. Respondent clerk of courts is the clerk of courts for the common pleas court.

{¶ 21} 7. On December 19, 2025, relator filed a petition for writs of mandamus, prohibition, and procedendo. In her petition, relator alleges the following, in pertinent part: in 25CV-996, relator raised jurisdictional objections, federal constitutional and statutory claims, and counterclaims, and exercised her statutory right of removal to federal court pursuant to 28 U.S.C. 1446(d); despite removal and unresolved federal jurisdictional issues, respondents continued to act in the underlying case; the clerk of courts suffered ministerial failings, including improper docketing, omission or alteration of filings, issuance of cost bills absent adjudication, and lack of transparency regarding court-controlled funds and accounts; these acts constitute an ongoing exercise of judicial power where none exists and ministerial misconduct not remediable by ordinary appeal; the filing of 25CV-996 followed relator's protected activities of petitioning, speech, and reporting to oversight bodies and courts; and respondents engaged in a recurring pattern of refusing to adjudicate on the merits, summary dismissals, journal entries that strike or omit whistleblower evidence, de novo review mechanisms applied in a manner that conceals rather than cures jurisdictional defects, and continuation of proceedings after jurisdiction is divested.

{¶ 22} 8. In the petition, with regard to the action in prohibition, relator claims that once removal of 25CV-996 to federal court was effected, Judge Young and the common pleas court were patently and unambiguously without jurisdiction to proceed. Relator prays for a writ prohibiting Judge Young and the common pleas court from taking any action in 25CV-996.

{¶ 23} 9. In the petition, with regard to the action in mandamus, relator prays for an order compelling the clerk of courts to perform all ministerial duties required by law, including accurate docketing, correction of the record, disclosure of court-held funds, and production of required accountings.

{¶ 24} 10. Although the petition is styled as only an action in mandamus and prohibition, the body of the petition contains a section that seeks a writ of procedendo. In that section, relator prays for an order directing Judge Young and the common pleas court to proceed to adjudication on the merits where jurisdiction exists and to refrain from further action where jurisdiction has been divested.

{¶ 25} 11. In 25CV-996, Klein filed an action under R.C. 2323.52, seeking to declare relator a vexatious litigator. On February 13, 2025, relator filed a notice of removal, purporting to remove the case to federal court. On March 21, 2025, the clerk of courts filed a proof of transfer. On April 1, 2025, the deputy clerk for the federal district court issued a letter to the clerk of courts, and on May 1, 2025, a copy of the letter was filed with the clerk of courts. The letter indicates that the federal court received certified copies of the docket related to 25CV-996; however, relator's notice of removal was returned due to filing restrictions, because relator has been found to be a vexatious litigator by the federal court. On November 6, 2025, Klein and Rosenberg moved to reinstate 25CV-996 to the active docket. On December 1, 2025, Judge Young reinstated 25CV-996.

{¶ 26} 12. Contemporaneously with her petition, relator filed an emergency motion to add parties and/or designate real parties in interest, to add and/or designate Klein and Rosenberg as real parties in interest, although these parties were already named as respondents in the petition. In the motion, relator alleges that the continued docket activity in 25CV-996 is being effectuated exclusively through their filings and advocacy. Relator filed an identical motion later the same day.

{¶ 27} 13. On January 23, 2026, Judge Young, the court of common pleas, and the clerk of courts filed a motion to dismiss relator's petition pursuant to Civ.R. 12(B)(1) and (6). Relator has not filed a response.

{¶ 28} 14. On January 28, 2026, Klein and Rosenberg filed a motion to dismiss relator's petition pursuant to Civ.R. 12(B)(1) and (6). Relator has not filed a response.

#### Conclusions of Law:

{¶ 29} The magistrate recommends that this court grant respondents' motions to dismiss this action.

{¶ 30} "The purpose of a writ of prohibition is to restrain inferior courts from exceeding their jurisdiction." *State ex rel. Roush v. Montgomery*, 2019-Ohio-932, ¶ 5, citing *State ex rel. Tubbs Jones v. Suster*, 84 Ohio St.3d 70, 73 (1998). To demonstrate entitlement to a writ of prohibition, a relator must establish that a respondent: (1) has exercised or is about to exercise judicial or quasi-judicial power, (2) that the exercise of that power is unauthorized by law, and (3) that denying the writ will cause injury for which no other adequate remedy in the ordinary course of the law exists. *Roush* at ¶ 5. A party challenging the court's jurisdiction has an adequate remedy at law via an appeal from the court's holding that it has jurisdiction. *State ex rel. Rootstown Local School Dist. Bd. of Edn. v. Portage Cty. Court of Common Pleas*, 78 Ohio St.3d 489 (1997). The absence of an adequate remedy at law is not a required element if it can be shown that the trial court patently and unambiguously lacks jurisdiction. *State ex rel. Martre v. Cheney*, 2023-Ohio-4594, ¶ 17, citing *State ex rel. Jones v. Paschke*, 2022-Ohio-2427, ¶ 6.

{¶ 31} Whether a court patently and unambiguously lacks jurisdiction for purposes of a writ of prohibition is a question of the court's subject-matter jurisdiction. *State ex rel. Eaton Corp. v. Lancaster*, 40 Ohio St.3d 404, 409 (1988) (prohibition tests and determines solely and only the subject-matter jurisdiction of the trial court). *See also Martre*, 2023-Ohio-4594 at ¶ 17, citing *Jones*, 2022-Ohio-2427 at ¶ 8 (prohibition will generally lie only for an absence of subject-matter jurisdiction). Subject-matter jurisdiction refers to a court's power to entertain and adjudicate a particular class of cases. *Bank of Am., N.A. v. Kuchta*, 2014-Ohio-4275, ¶ 19, citing *Morrison v. Steiner*, 32 Ohio St.2d 86, 87 (1972). "A court's subject-matter jurisdiction is determined without regard to the rights of the individual

parties involved in a particular case.’ ” *Corder v. Ohio Edison Co.*, 2020-Ohio-5220, ¶ 14, quoting *Kuchta* at ¶ 19. “Instead, ‘the focus is on whether the forum itself is competent to hear the controversy.’ ” *Id.* at ¶ 14, quoting *State v. Harper*, 2020-Ohio-2913, ¶ 23, citing 18A Wright, Miller & Cooper, *Federal Practice and Procedure*, Section 4428, at 6 (3d Ed. 2017) (explaining that jurisdictional analysis should be confined to the rules that actually allocate judicial authority among different courts).

{¶ 32} For this court to issue a writ of mandamus, a relator must establish the following three requirements: (1) that relator has a clear legal right to the relief sought; (2) that respondent has a clear legal duty to provide such relief; and (3) that relator has no adequate remedy in the ordinary course of the law. *State ex rel. Pressley v. Indus. Comm.*, 11 Ohio St.2d 141 (1967).

{¶ 33} To be entitled to a writ of procedendo, a relator must establish a clear legal right to require that court to proceed, a clear legal duty on the part of the court to proceed, and the lack of an adequate remedy in the ordinary course of law. *State ex rel. Miley v. Parrott*, 77 Ohio St.3d 64, 65 (1996). A writ of procedendo is appropriate when a court has either refused to render a judgment or has unnecessarily delayed proceeding to judgment. *Id.* An “ ‘inferior court’s refusal or failure to timely dispose of a pending action is the ill a writ of procedendo is designed to remedy.’ ” *State ex rel. Dehler v. Sutula*, 74 Ohio St.3d 33, 35 (1995), quoting *State ex rel. Levin v. Sheffield Lake*, 70 Ohio St.3d 104, 110 (1994).

{¶ 34} Civ.R. 12(B)(1) provides a party may seek to dismiss a cause of action based on lack of jurisdiction over the subject matter of the litigation. When reviewing a judgment on a motion to dismiss under Civ.R. 12(B)(1), a court must determine whether the complaint alleges any cause of action cognizable to the forum. *T & M Machines, LLC v. Yost*, 2020-Ohio-551, ¶ 9 (10th Dist.). “[S]ubject-matter jurisdiction involves ‘a court’s power to hear and decide a case on the merits and does not relate to the rights of the parties.’ ” *Lowery v. Ohio Dept. of Rehab. & Corr.*, 2015-Ohio-869, ¶ 6 (10th Dist.), quoting *Vedder v. Warrensville Hts.*, 2002-Ohio-5567, ¶ 14 (8th Dist.).

{¶ 35} A court may dismiss a complaint pursuant to Civ.R. 12(B)(6) if, after all factual allegations in the complaint are presumed true and all reasonable inferences are made in relator’s favor, it appears beyond doubt that relator could prove no set of facts entitling him or her to the requested extraordinary writ. *State ex rel. Turner v. Houk*, 2007-

Ohio-814, ¶ 5. “Although factual allegations in the complaint are taken as true, ‘unsupported conclusions of a complaint are not considered admitted . . . and are not sufficient to withstand a motion to dismiss.’” *Justice v. Jefferson-Pilot Life Ins.*, 1998 Ohio App. LEXIS 6250 (10th Dist. Dec. 24, 1998), quoting *State ex rel. Hickman v. Capots*, 45 Ohio St.3d 324 (1989).

{¶ 36} The magistrate may take judicial notice of the pleadings and orders in related cases when these are not subject to reasonable dispute, at least insofar as they affect the present original action. *State ex rel. Nyamusevya v. Hawkins*, 2020-Ohio-2690, ¶ 33 (10th Dist.), citing Evid.R. 201(B); *State ex rel. Ohio Republican Party v. Fitzgerald*, 2015-Ohio-5056, ¶ 18; and *State ex rel. Womack v. Marsh*, 2011-Ohio-229, ¶ 8. Furthermore, a court may take judicial notice of pleadings that are readily accessible on the internet. See *Draughon v. Jenkins*, 2016-Ohio-5364, ¶ 26 (4th Dist.), citing *State ex rel. Everhart v. McIntosh*, 2007-Ohio-4798, ¶ 8, 10 (a court may take judicial notice of appropriate matters, including judicial opinions and public records accessible from the internet); and Giannelli, 1 Baldwin’s Ohio Practice Evidence, Section 201.6 (3d Ed.2015) (noting that the rule generally precluding a court from taking judicial notice of other cases has been relaxed if the record is accessible on the internet).

{¶ 37} In the present case, Klein and Rosenberg argue in their motion to dismiss the following: (1) the writ of mandamus does not seek to compel Klein and Rosenberg to perform any act and, instead, is directed at the clerk of courts; thus, relator fails to state a claim in mandamus against Klein and Rosenberg; (2) R.C. 2323.52(B) expressly vests common pleas courts with jurisdiction over vexatious-litigator actions; thus, relator fails to state a claim in prohibition against Klein and Rosenberg; (3) relator does not seek to compel any action from Klein and Rosenberg, and there are no circumstances under which a writ of procedendo would lie against a city attorney; thus, relator fails to state a claim in procedendo against Klein and Rosenberg; and (4) relator is not entitled to an alternative writ, as such are prohibited by Loc.R. 13, absent extraordinary circumstances.

{¶ 38} With respect to mandamus, the petition does not allege that Klein or Rosenberg had any clear legal duty to provide any relief and does not pray for any relief regarding Klein and Rosenberg. The claims and prayer for relief in mandamus relate solely

to the clerk of courts. Thus, relator's petition fails to state a claim in mandamus against Klein and Rosenberg, and dismissal is appropriate.

{¶ 39} With respect to prohibition, the petition does not allege that Klein or Rosenberg had any clear legal duty to provide any relief, and does not pray for any relief regarding Klein and Rosenberg. The claims and prayer for relief in prohibition relate solely to Judge Young and the common pleas court and allege they were without jurisdiction to take action in 25CV-996 because the matter was removed to federal court. Insofar as the matter was not removed to federal court, however, no claim could exist with regard to Klein and Rosenberg. The jurisdiction of Judge Young and the common pleas court is addressed in the discussion of their motion to dismiss, *infra*. For these reasons, relator's petition fails to state a claim in prohibition against Klein and Rosenberg, and dismissal is appropriate.

{¶ 40} With respect to procedendo, the petition does not seek to compel Klein or Rosenberg to take any action. The allegations in procedendo in the petition are directed at Judge Young and the common pleas court. As explained above, a writ of procedendo is appropriate when a court has either refused to render a judgment or has unnecessarily delayed proceeding to judgment and would not lie against a city attorney or a city attorney's counsel. *State ex rel. Sponaugle v. Hein*, 2018-Ohio-3155, ¶ 18 (explaining that a writ of procedendo may only be used to direct a judge of an inferior tribunal to issue a decision). Therefore, relator's petition fails to state a claim in procedendo against Klein and Rosenberg, and dismissal is appropriate.

{¶ 41} Finally, relator is not entitled to an alternative writ. Loc.R. 13 provides that, absent extraordinary circumstances, this court will issue no alternative writ in any original action, other than a habeas corpus action. Relator's petition alleges no extraordinary circumstances regarding Klein and Rosenberg. Therefore, relator's petition fails to state a claim for an alternative writ.

{¶ 42} For these reasons, Klein and Rosenberg are entitled to dismissal of relator's petition for writs of mandamus, prohibition, and procedendo.

{¶ 43} The common pleas court, Judge Young, and the clerk of courts argue in their motion to dismiss the following: (1) the common pleas court is not *sui juris* and cannot be sued; (2) because relator was not successful in removing 25CV-996 to federal court, relator cannot show that Judge Young's exercise of judicial power is unauthorized or that the

common pleas court patently and unambiguously lacked jurisdiction; thus, relator fails to state a claim in prohibition; (3) relator has failed to identify any clear legal right to relief in mandamus or any failure of a duty owned by the clerk of courts and offers only the conclusory proposition that she has a clear legal right to accurate docketing, faithful recordkeeping, lawful journalization, and transparency regarding court-held funds and cost assessments, as well as prospective actions having not yet taken place; thus, relator fails to state a claim in mandamus; (4) relator's procedendo claim against the clerk of courts must fail because it is not capable of entering judgment on behalf of the court in 25CV-996; (5) relator's procedendo claim against Judge Young must fail because relator has not alleged what pending objections, demands, or motions in unspecified "cases" Judge Young must adjudicate; and (6) relator is not entitled to an alternative writ, as such are prohibited by Loc.R. 13, absent extraordinary circumstances.

{¶ 44} Initially, as to any of the claims against the common pleas court, a court is not sui juris. *Klein's Pharmacy & Orthopedic Appliances, Inc. v. Summit Cty. Court of Common Pleas*, 2024-Ohio-1307 (finding a court of common pleas is not sui juris, and suing an entity that is not sui juris is a ground for dismissal). Thus, absent express statutory authority, a court can neither sue nor be sued in its own right. *State ex rel. Cleveland Municipal Court v. Cleveland City Council*, 34 Ohio St.2d 120 (1973). Therefore, the petition fails to state a claim in mandamus, prohibition, and procedendo against the common pleas court.

{¶ 45} With respect to relator's claim in mandamus, the petition raises a claim only with respect to the clerk of courts, praying for an order compelling the clerk of courts to perform all ministerial duties required by law, including accurate docketing, correction of the record, disclosure of court-held funds, and production of required accountings. Relator alleges she has a clear legal right to accurate docketing, faithful recordkeeping, lawful journalization, and transparency regarding court-held funds and cost assessments. Initially, "[i]t is axiomatic that in mandamus proceedings, the creation of the legal duty that a relator seeks to enforce is the distinct function of the *legislative branch of government*." (Emphasis in original.) *State ex rel. Pipoly v. State Teachers Retirement Sys.*, 2002-Ohio-2219, ¶ 18. Thus, only statutes or administrative rules adopted pursuant to legislative authority may provide the basis for a clear legal duty and a clear legal right

in a mandamus case. *Id.*, (finding that the clear legal duty required in mandamus cannot be met by extending case law to create a legal duty when no statute or administrative rule imposes such legal duty; the legal duty required in mandamus must be imposed by the legislature). In the present case, relator cites no statutory or regulatory authority creating the specific duties she alleges the clerk of courts failed to perform. It is beyond dispute that mandamus is an extraordinary remedy that is to be granted with caution and only when the right is clear. *State ex rel. Kurt v. Cleveland*, 2010-Ohio-5019, ¶ 5 (8th Dist.). For mandamus to lie, the duty “must be specific, definite, clear and unequivocal.” *State ex rel. Karmasu v. Tate*, 83 Ohio App.3d 199, 205 (4th Dist. 1992). Relator’s obligation to point to some statutory or regulatory authority requiring these specific duties is critical to her mandamus claim.

{¶ 46} Notwithstanding, in her petition relator prays for an order compelling the clerk of courts to perform all ministerial duties required by law, including accurate docketing, correction of the record, disclosure of court-held funds, and production of required accountings. However, mandamus will not issue to require a public officer to prospectively observe the law or to remedy the anticipated nonperformance of a duty. *State ex rel. Home Care Pharmacy, Inc. v. Creasy*, 67 Ohio St.2d 342 (1981). This is precisely what relator is praying for in her mandamus claim. Therefore, relator has failed to state a claim in mandamus.

{¶ 47} With respect to relator’s claim in prohibition, the petition alleges that Judge Young patently and unambiguously lacked jurisdiction to proceed because the matter had been removed to federal court. As explained above, in prohibition, the question is whether the court has subject-matter jurisdiction, i.e., whether the court has the power to entertain and adjudicate a particular class of cases. Common pleas courts “have such original jurisdiction over all justiciable matters . . . as may be provided by law.” Ohio Const., Article IV, § 4(B). Thus, when a common pleas court patently and unambiguously lacks jurisdiction to hear a case, “it is almost always because a statute explicitly removed that jurisdiction.” *Schlegel v. Sweeney*, 2022-Ohio-3841, ¶ 14, quoting *Ohio High School Athletic Assn. v. Ruehlman*, 2019-Ohio-2845, ¶ 9.

{¶ 48} As noted above, the matter in 25CV-996 was not removed to federal court. The federal court received certified copies of the docket related to 25CV-996, but relator’s

notice of removal was returned due to filing restrictions because relator has been found to be a vexatious litigator by the federal court. On November 6, 2025, Klein and Rosenberg moved to reinstate 25CV-996 to the active docket. On December 1, 2025, Judge Young reinstated 25CV-996. Thus, the common pleas court has subject-matter jurisdiction over the matter, and relator cannot show that Judge Young is about to exercise power that is unauthorized by law.

Furthermore, R.C. 2323.52(B) provides the following:

(B) A person, the office of the attorney general, or a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer of a municipal corporation who has defended against habitual and persistent vexatious conduct in the court of claims or in a court of appeals, court of common pleas, municipal court, or county court may commence a civil action in a court of common pleas with jurisdiction over the person who allegedly engaged in the habitual and persistent vexatious conduct to have that person declared a vexatious litigator. . . .

Therefore, here, it is beyond doubt that Judge Young and the common pleas court have jurisdiction over the vexatious-litigator action brought by Klein. For these reasons, relator can prove no set of facts demonstrating that Judge Young and the common pleas court lacked subject-matter jurisdiction, much less patently and ambiguously lacked subject-matter jurisdiction, and, thus, Judge Young is entitled to dismissal of relator's prohibition action.

{¶ 49} With respect to relator's claim in procedendo, the petition prays that "respondents" proceed to adjudication on the merits where jurisdiction exists and refrain from further action where jurisdiction has been divested. In the paragraph preceding the prayer, relator directs this procedendo claim against Judge Young specifically. Initially, insofar as relator may seek to raise a procedendo claim against the clerk of courts, relator cannot demonstrate the clerk of courts has a clear legal duty to proceed to judgment, as the clerk of courts cannot enter judgment on behalf of the court. *See Arnoff v. State*, 2020-Ohio-4175, ¶ 5 (9th Dist.) (finding that the clerk of courts is not a court and, therefore, procedendo relief is not available).

{¶ 50} With regard to Judge Young, relator has failed to allege any clear legal duty. Relator has not identified any pending motions, objections, or pleadings that Judge Young

has refused to address during the course of the proceedings. The online docket for the case fails to reveal any summary dismissals, unwarranted stricken pleadings, or protracted matters that ostensibly lack judicial justification. Instead, the online docket reflects active case management, not delay or refusal. *See State ex rel. Katsigianis v. Dellick*, 2026-Ohio-913, ¶ 15 (7th Dist.) (finding that procedendo not warranted when the record reflects active case management, not delay or refusal). Also, trial courts have inherent power to manage their own dockets. *State ex rel. Charvat v. Frye*, 2007-Ohio-2882, ¶ 23. A writ of procedendo will not issue to control or interfere with the lower tribunal's administration of ordinary procedures. *State ex rel. Mignella v. Indus. Comm.*, 2019-Ohio-463, ¶ 7. In this case, no actions by Judge Young demonstrate a refusal to proceed to judgment, and the docket demonstrates the ordinary course of judicial proceedings. In addition, as explained above, Judge Young retained jurisdiction over the matter after the federal court refused relator's attempt at removal, and nothing in the trial-court record suggests that Judge Young has refused to proceed and see the matter to final judgment. Furthermore, relator's allegations against Judge Young seem to relate to past rulings with which relator disagrees, and procedendo cannot be used to compel a judge to change the result once ruled. *State ex rel. Williams v. Croce*, 2018-Ohio-2703, ¶ 8. Relator's claims regarding Judge Young's allegedly improper dismissals and stricken pleadings clearly have an adequate remedy by way of appeal. *See State ex rel. S.Y.C. v. Floyd*, 2024-Ohio-1387, ¶ 14, citing *State ex rel. Culgan v. Collier*, 2013-Ohio-1762, ¶ 7 (a writ of procedendo is inappropriate when the relator has an adequate remedy at law). For these reasons, relator has failed to state a claim in procedendo against Judge Young.

{¶ 51} Finally, relator is not entitled to an alternative writ as to these respondents. Loc.R. 13 provides that, absent extraordinary circumstances, this court will issue no alternative writ in any original action, other than a habeas corpus action. Relator's petition alleges no extraordinary circumstances. Relator's bald claims of ultra vires proceedings and ministerial misconduct are not demonstrated by the docket in 25CV-996, and have already been addressed as meritless above. Therefore, relator's petition fails to state a claim for an alternative writ.

{¶ 52} Accordingly, it is the magistrate's decision that this court should grant respondents' motions to dismiss relator's petition for writs of mandamus, prohibition, and

procedendo. Relator's December 19, 2025, motions to add parties and/or designate real parties are denied as moot, as both Klein and Rosenberg were already named as respondents in the petition.

/S/ MAGISTRATE  
THOMAS W. SCHOLL III

### **NOTICE TO THE PARTIES**

Civ.R. 53(D)(3)(a)(iii) provides that a party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ.R. 53(D)(3)(b). A party may file written objections to the magistrate's decision within fourteen days of the filing of the decision.