[Cite as *Justice v. Ohio Dept. of Rehab. & Corr.*, 2026-Ohio-4496.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Monica G. Justice,	:	
Plaintiff-Appellant,	:	
		No. 26AP-619
v.	:	(Ct. of Cl. No. 2026-00404JD)
Ohio Department of Rehabilitation and Correction,	:	(REGULAR CALENDAR)
	:	
Defendant-Appellee.	:	

D E C I S I O N

Rendered on November 12, 2026

On brief: *Monica G. Justice*, pro se.

On brief: *D. Andrew Wilson*, Attorney General, *Camryn E. Hughes*, and *Michelle C. Brizes*, for appellee.

APPEAL from the Court of Claims of Ohio

EDELSTEIN, J.

{¶ 1} Plaintiff-appellant, Monica G. Justice, appeals, pro se, from the June 26, 2026 judgment entered by the Court of Claims of Ohio dismissing her civil action against defendant-appellee, the Ohio Department of Rehabilitation and Correction ("ODRC" or the "department"), pursuant to Civ.R. 12. For the following reasons, we affirm that dismissal.

I. FACTS AND PROCEDURAL OVERVIEW

{¶ 2} Ms. Justice is currently an inmate in the custody and control of ODRC.

{¶ 3} In April 2026, Ms. Justice filed, pro se, a complaint against ODRC concerning "imprisoned litigants being denied access to 'court' dockets" which she alleged was contrary to various statutes, constitutional provisions, and public policy. (Appellant's Brief at 2.) As an initial matter, we note that the allegations in Ms. Justice's 28-page complaint are difficult to understand, as she fails to clearly and sufficiently state precise cause(s) of action

against ODRC. While we "will construe pro se filings generously, appellate courts cannot construct legal arguments for an appellant." *Angus v. Angus*, 2015-Ohio-2538, ¶ 10 (10th Dist.), citing *Williams v. Barrick*, 2008-Ohio-4592, ¶ 24 (10th Dist.); *Miller v. Johnson & Angelo*, 2002-Ohio-3681, ¶ 2 (10th Dist.). To that end, if we "cannot understand an appellant's arguments, [we] cannot grant relief." *Angus* at ¶ 10, citing *State v. Dunlap*, 2005-Ohio-6754, ¶ 10 (10th Dist.). Nonetheless, in the interest of justice, we will review the propriety of the trial court's June 26, 2026 judgment dismissing Ms. Justice's complaint under Civ.R. 12. *See, e.g.*, *Angus* at ¶ 11.

{¶ 4} Ms. Justice's complaint appears to center around the claim that, as a general matter, clerks of Ohio courts are mailing inmates in ODRC facilities written notice of decisions, judgments, and orders rendered by the courts but are not serving inmates with copies of those actual documents in a timely manner. At the outset, we note Ms. Justice attempts to bring claims on behalf of herself and other inmates as a class. (*See, e.g.*, Apr. 16, 2026 Compl. at 5; Compl., Ex. 5.) Nothing in the record before us suggests that Ms. Justice is an attorney authorized to practice law in Ohio. Laypersons are not permitted to act in a representative capacity in Ohio. *See, e.g., Disciplinary Counsel v. Givens*, 2005-Ohio-4104, ¶ 7. Although a party may act in a pro se capacity by representing herself in court without a lawyer, a nonlawyer is generally not allowed to represent another in a legal action. *See* R.C. 4705.01; *Lusk v. Crown Pointe Care Ctr.*, 2019-Ohio-1326, ¶ 8 (10th Dist.). Our analysis is thus confined to claims relating to Ms. Justice as the sole plaintiff in this case.[1]

{¶ 5} In her complaint, Ms. Justice stated she was seeking "access to 'public records' . . . as 'court' dockets . . . in order to track case progress and access, view, and download for printing 'final appealable orders' necessary for [her] exercise of due process of law." (Compl. at 1.) Ms. Justice generally claimed she was served a notice of these appealable orders, but she has been "obstructed from [her] free exercise of due process of law under the 14th Amendment Due Process and Equal Protection Clauses and Ohio Constitution Art I, Sec. 1 § 16"; "subjected to the loss of a substantive right, title, privilege, or exemption claimed under the Constitution, treaty of statute"; and "subjected to delays in justice" because she had been "made to take extraordinary actions within the 'state' 'courts'

[1] For instance, Ms. Justice claims other inmates have been denied access to a notary public. (*See, e.g.*, Compl. at 17; Compl., Ex. 5.) Because she does not claim she, herself, was denied access to a notary, such claim is not properly before us.

to try and acquire actual copies of such 'final appealable orders.' " (Sic passim.) (Compl. at 2.) Ms. Justice cites to instances when she alleges the clerks of courts failed to timely serve her with copies of entries issued by the Tenth District Court of Appeals and the Franklin County Court of Common Pleas in criminal matters. (Compl. at 11-14.) Notably, however, neither the clerk of any court nor the trial court is named as defendant in this case. And, this case is not an appeal of a specific judgment of which Ms. Justice claims she was untimely notified. Instead, Ms. Justice generally seeks an order requiring ODRC to provide access to court dockets in a manner she believes is necessary.

{¶ 6} On May 4, 2026, ODRC moved to dismiss Ms. Justice's complaint under Civ.R. 12(B)(1) and (6). ODRC argued the Court of Claims lacks subject-matter jurisdiction over alleged violations of constitutional rights and claims seeking solely injunctive, declaratory, or other equitable relief. In the alternative, ODRC argued for dismissal under Civ.R. 12(B)(6), for failure to state a claim upon which relief may be granted.

{¶ 7} On June 26, 2026, the Court of Claims issued a decision and entry granting ODRC's motion to dismiss on several grounds. Ms. Justice timely appealed from that judgment and asserts the following four assignments of error for our review:

> [I.] THE 'COURT' OF CLAIMS ERRED WHEN IT DISMISSED THE RELATORS CIVIL ACTION CONCERNING A DENIAL OF PUBLIC RECORDS ACCESS AVERRING THE RELATORS FAILED TO COMPLY WITH ORC 2743.75(D)(1).
>
> [II.] THE 'COURT' OF CLAIMS ERRED WHEN IT AVERRED IT WAS WITHOUT JURISDICTION TO ADJUDICATE THE CAUSE OF ACTION.
>
> [III.] THE 'COURT' OF CLAIMS ERRED WHEN IT AVERRED 'THERE EXISTS NO CAUSE OF ACTION' NOR 'RIGHT TO RECOVERY' IN ACTIONS WHERE VIOLATIONS OF 'INTERNAL PRISON POLICIES AND PROCEDURES' AND/OR 'OHIO ADMINISTRATIVE CODE' OCCUR.
>
> [IV.] THE 'COURT' OF CLAIMS ERRED WHEN IT APPLIED, TOOK INTO CONSIDERATION THE RESPONDENTS REPLY BRIEF WHICH DID NOT ADDRESS ANY MERITS PRESENTED BY THE RELATORS IN THE CAUSE, WHICH ADDRESSED MERITS IN A COMPLETELY DIFFERENT CASE, AND ACCEPTED RECOMMENDATIONS GLEENED FROM SAID RESPONDENTS REPLY BRIEF WHICH WERE CULTIVATED BY THE 'COURT' MAGISTRATE ON BEHALF OF THE 'STATE' IN THE ABSENCE OF ANY ARGUMENTS

> PRESENT BY THE RESPONDENTS INSTEAD OF IN REPRESENTATION OF THE LAW AND FACTS ESTABLISHED BY THE RELATORS IN THEIR MERIT BRIEF.

(Sic passim.)

II. ANALYSIS

{¶ 8} On appeal, Ms. Justice contends the trial court erred in dismissing her complaint. For the following reasons, we disagree.

A. Applicable Legal Standards and Standard of Review

{¶ 9} Civ.R. 12(H)(3) provides that "[w]henever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." This is "[b]ecause subject-matter jurisdiction goes to the power of the court to adjudicate the merits of a case, it can never be waived and may be challenged at any time." *Pratts v. Hurley*, 2004-Ohio-1980, ¶ 11.

{¶ 10} Civ.R. 12(B)(1) allows parties to move for dismissal based on a trial court's "[l]ack of jurisdiction over the subject matter" of a case. In ruling on a Civ.R. 12(B)(1) motion to dismiss for lack of subject-matter jurisdiction, a trial court must determine "whether any cause of action cognizable by the forum has been raised in the complaint." *State ex rel. Bush v. Spurlock*, 42 Ohio St.3d 77, 80 (1989), citing *Avco Fin. Servs. Loan, Inc. v. Hale*, 36 Ohio App.3d 65, 67 (10th Dist. 1987). *See also Duff v. Ohio Adult Parole Auth.*, 2017-Ohio-8895, ¶ 5 (10th Dist.). To do this, a trial court may consider any pertinent materials and is not confined to the allegations in the complaint. *Southgate Dev. Corp. v. Columbia Gas Transm. Corp.*, 48 Ohio St.2d 211 (1976), paragraph one of the syllabus.

{¶ 11} Appellate review of a trial court's decision to dismiss a case pursuant to Civ.R. 12(B)(1) is de novo. *Robinson v. Ohio Dept. of Rehab. & Corr.*, 2011-Ohio-713, ¶ 5 (10th Dist.), citing *Hudson v. Petrosurance, Inc.*, 2009-Ohio-4307, ¶ 12 (10th Dist.). *See also State ex rel. Ohio Civ. Serv. Emps. Assn. v. State*, 2016-Ohio-478, ¶ 12. "De novo review means that we apply the same standards as the trial court." *Neinast v. Ohio Expositions Comm.*, 2009-Ohio-4850, ¶ 5 (10th Dist.), citing *GNFH, Inc. v. W. Am. Ins. Co.*, 2007-Ohio-2722, ¶ 16 (2d Dist.).

{¶ 12} A motion to dismiss for failure to state a claim upon which relief can be granted under Civ.R. 12(B)(6) is a procedural test of a civil complaint's sufficiency. *Cool v. Frenchko*, 2022-Ohio-3747, ¶ 13 (10th Dist.), citing *Morrow v. Reminger & Reminger Co.*,

L.P.A., 2009-Ohio-2665, ¶ 7 (10th Dist.). Dismissal of a complaint pursuant to Civ.R. 12(B)(6) is appropriate "only if it appears beyond a doubt that the plaintiff can prove no set of facts entitling the plaintiff to recovery." *Bullard v. McDonald's*, 2021-Ohio-1505, ¶ 11 (10th Dist.). In determining whether dismissal is appropriate, the trial court "must presume all factual allegations contained in the complaint to be true and must make all reasonable inferences in favor of the plaintiff." *Id.* "The court need not, however, accept as true any unsupported and conclusory legal propositions advanced in the complaint." *Id.*

{¶ 13} When reviewing the sufficiency of a complaint under Civ.R. 12(B)(6), we are mindful that Civ.R. 8(A) provides for notice pleading, which requires only a "short and plain statement of the claim showing that the party is entitled to relief, and . . . a demand for judgment for the relief to which the party claims to be entitled." Accordingly, "[a] judgment granting a Civ.R. 12(B)(6) motion to dismiss may be affirmed only when there is no set of facts under which the nonmoving party could recover." *Dunlop v. Ohio Dept. of Job & Family Servs.*, 2017-Ohio-5531, ¶ 10 (10th Dist.), citing *O'Brien v. Univ. Community Tenants Union, Inc.*, 42 Ohio St.2d 242 (1975), syllabus.

B. Legal Analysis

{¶ 14} Because Ms. Justice's four assignments of error all pertain to the trial court's June 26, 2026 judgment granting ODRC's motion to dismiss under Civ.R. 12 and are interrelated, we address them together.

{¶ 15} To the extent Ms. Justice's complaint could be construed as alleging a claim for a violation of Ohio's public records law, the trial court found that dismissal was warranted under Civ.R. 12(H)(3) and (B)(1) for lack of subject-matter jurisdiction based on Ms. Justice's failure to follow the statutory procedures set forth in R.C. 2743.75(D)(1). Specifically, that provision requires a person alleging they have been denied access to public records under R.C. 2743.75 to "file a complaint, ***on a form prescribed by the clerk of the court of claims***, with the clerk of the court of claims or with the clerk of the court of common pleas of the county in which the public office from which the records are requested is located." (Emphasis added.) R.C. 2743.75(D)(1). In addition, "copies of the original records request and any written responses or other communications relating to the request from the public office or person responsible for public records" must be attached to the complaint. R.C. 2743.71(D)(1). "[A] filing fee of twenty-five dollars made payable to the clerk of the court with whom the complaint is filed" must be paid at the time of filing. R.C. 2743.71(D)(1).

{¶ 16} Ms. Justice does not contend on appeal that she followed the statutory procedures set forth in R.C. 2743.75(D)(1) necessary to properly allege a claim for denying her access to public records. And, on review of the record before us, it is clear she did not adhere to these procedures by, for instance, using the required form or including with her complaint the necessary correspondence showing she made a request for public records and ODRC denied her request prior to the filing of her complaint. Instead, Ms. Justice now challenges, for the first time on appeal, the propriety of the statutory filing procedure set forth in R.C. 2743.75 by claiming these procedures violate public policy and her constitutional rights. But Ms. Justice did not raise this issue in the trial court. "When a constitutional issue is not raised before the trial court, it will not be addressed in the first instance by the court of appeals." *In re Andy-Jones*, 2004-Ohio-3312, ¶ 20 (10th Dist.). *See also Zawahiri v. Alwattar*, 2008-Ohio-3473, ¶ 10-11 (10th Dist.). As such, we find no error in the trial court's determination that, insofar as Ms. Justice's complaint can be interpreted to include a denial of public records claim, it must be dismissed on account of her failure to comply with R.C. 2743.75(D)(1).

{¶ 17} To the extent Ms. Justice intended to allege a violation of her constitutional rights, it is clear the Court of Claims lacks subject-matter jurisdiction to preside over such claims. R.C. 2743.02 limits a plaintiff in the Court of Claims to causes of action against the state that could be brought against a private party. *See, e.g., Bleicher v. Univ. of Cincinnati College of Med.*, 78 Ohio App.3d 302, 306-07 (10th Dist. 1992); *Guillory v. Ohio Dept. of Rehab. & Corr.*, 2008-Ohio-2299, ¶ 12 (10th Dist.). More narrowly, it is well-settled that claims for a denial of access to the courts or regarding the processing of an inmate's mail are treated as conditions of confinement claims. *See, e.g., Burse v. Ohio Dept. of Rehab. & Corr.*, 2019-Ohio-2882, ¶ 14 (10th Dist.); *State ex rel. Carter v. Schotten*, 70 Ohio St.3d 89, 91-92 (1994); *Cotten v. Ohio Dept. of Rehab. & Corr.*, 2014-Ohio-2619, ¶ 20 (10th Dist.). Inmate complaints challenging the conditions of confinement are classified as constitutional claims actionable under 42 U.S.C. 1983, and, thus, cannot be brought in the Court of Claims. *See, e.g., Carter* at 91-92; *Guillory* at ¶ 13.

{¶ 18} Here, Ms. Justice's amended complaint appears to allege a range of constitutional violations against ODRC, all of which are claims she could not bring against a private party. *See, e.g., Henneke v. Ohio Dept. of Ins.*, 2011-Ohio-5366, ¶ 8 (10th Dist.). Accordingly, the trial court was correct to dismiss Ms. Justice's constitutional claims for lack of subject-matter jurisdiction.

{¶ 19} To the extent Ms. Justice was attempting to allege a claim against ODRC for violations of its internal policies and procedures, the trial court correctly observed that a state agency's internal policies are not law and, thus, cannot give rise to a cause of action against a state entity in the Court of Claims. As such, the court concluded dismissal was warranted under Civ.R. 12(B)(6) for failure to state a claim upon which relief can be granted. On appeal, Ms. Justice appears to clarify that she is challenging the constitutionality of ODRC's practices and procedures, not ODRC's violation of existing procedures. Indeed, Ms. Justice repeatedly states in her merit brief that she is not seeking "recovery" in her claim; rather, she is "merely" seeking "access to public records as 'court' documents" by way of an order from the court. (Appellant's Brief at 20. *See also* Appellant's Brief at 21-22.) Thus, we find no error in the trial court's determination that her complaint did not sufficiently allege a claim for violations of institutional regulations.

{¶ 20} Indeed, at the crux of this case is Ms. Justice's admission that she is "merely" seeking "access to public records as 'court' documents" by way of an order from the court and is not seeking "recovery" or damages in connection with her claim. (Appellant's Brief at 20-22.) As a matter of law, the Court of Claims lacks jurisdiction over her demand for this type of remedy, called equitable relief. *See, e.g.*, *TLC Health Care Servs., LLC v. Ohio Dept. of Job & Family Servs.*, 2017-Ohio-9198, ¶ 12 (10th Dist.); *Cirino v. Ohio Bur. of Workers' Comp.*, 2018-Ohio-2665, ¶ 20. Damages are awarded to a plaintiff to compensate or substitute for a suffered loss. *See, e.g.*, *Santos v. Ohio Bur. of Worker's Comp.*, 2004-Ohio-28, ¶ 14, citing *Ohio Hosp. Assn. v. Ohio Dept. of Human Servs.*, 62 Ohio St.3d 97, 104-06 (1991). In contrast, equitable remedies are not substitute remedies, but an attempt to give a plaintiff the very thing to which she is entitled. *See id.* Such remedies represent a particular privilege or entitlement, rather than general substitute compensation. *Keller v. Dailey*, 124 Ohio App.3d 298, 304 (10th Dist. 1997).

{¶ 21} The Court of Claims has exclusive jurisdiction over civil actions against the state for damages that sound in law, and the court can address requests for an injunction or declaratory relief, but only if paired with actions for damages. *See, e.g.*, *Measles v. Indus. Comm. of Ohio*, 2011-Ohio-1523, ¶ 7; *Cirino* at ¶ 21. However, absent a claim for money damages—which Ms. Justice does not make in this case—the Court of Claims does not have subject-matter jurisdiction over a suit that ***only*** seeks equitable relief. *See, e.g.*, *Ohio Hosp. Assn.* at 103-04; *Upjohn Co. v. Ohio Dept. of Human Servs.*, 77 Ohio App.3d 827, 833-35 (10th Dist. 1991). A suit that ***only*** seeks injunctive or declaratory relief against the state

must be brought in a different forum, often the court of common pleas. *See id.* *See also* R.C. 2743.03(A)(2).

{¶ 22} In this case, Ms. Justice does not seek money damages or payment of equitable restitution from the state for her alleged loss. *Compare Vance v. State*, 2019-Ohio-1322, ¶ 20-43 (10th Dist.) (summarizing law addressing the distinction between equitable claims seeking the payment of money and legal claims seeking monetary relief in actions against the state). Instead, Ms. Justice repeatedly states she is only seeking access to public records, to which she believes she is legally entitled, which is a relief that is purely equitable in nature. Thus, because Ms. Justice did not bring any claim for monetary damages in conjunction with her request for equitable redress, the Court of Claims does not have jurisdiction to award her the type of relief she requests in her complaint.

{¶ 23} Based on the foregoing, we overrule Ms. Justice's first, second, and third assignments of error. Having found the Court of Claims was correct in dismissing Ms. Justice's claim(s) for lack of subject-matter jurisdiction and failure to state a claim for which relief can be granted, our disposition of Ms. Justice's first, second, and third assignments of error renders moot her fourth assignment of error, which challenges the trial court's consideration of ODRC's reply brief when ruling on the department's motion to dismiss. As such, we decline to address it. *See, e.g.*, *Buck-Reed v. Sanford Plumbing, LLC*, 2025-Ohio-5195, ¶ 35 (10th Dist.), citing App.R. 12(A)(1)(c).

III. CONCLUSION

{¶ 24} Having overruled Ms. Justice's first, second, and third assignments of error, rendering moot her fourth assignment of error, we affirm the June 26, 2026 judgment of the Court of Claims of Ohio dismissing Ms. Justice's complaint against ODRC.

Judgment affirmed.

DORRIAN and LELAND, JJ., concur.