

**COURT OF APPEALS OF OHIO**  
**EIGHTH APPELLATE DISTRICT**  
**COUNTY OF CUYAHOGA**

JEFFERY TURNER,	:	
	:	
Relator,	:	No. 112819
	:	
v.	:	
	:	
NINA TURNER,	:	
	:	
Respondent.	:	

---

JOURNAL ENTRY AND OPINION

**JUDGMENT: WRIT DISMISSED**  
**DATED: July 11, 2023**

---

Writ of Mandamus  
Order No. 564954

---

***Appearances:***

Jeffery Turner, *pro se*.

KATHLEEN ANN KEOUGH, P.J.:

{¶ 1} On June 5, 2023, the relator, Jeffery Turner, commenced what he termed a mandamus action styled as *State ex rel. Jeffery Turner v. Nina L. Turner*. For the following reasons, the court dismisses this writ action, sua sponte.

{¶ 2} First, Turner did not sign the complaint as required by Civ.R. 11, which provides that “[i]f a document is not signed \* \* \*, it may be stricken as sham

and false \* \* \*.” Moreover, Turner did not pay the required filing fee, nor did he tender a poverty affidavit.

{¶ 3} Turner used the caption of the underlying case, *Turner v. Turner*, Cuyahoga D.R. No. DR-22-388761, as the basis for the caption in the present case. He did not name a public officer or entity against whom mandamus may lie. The failure to caption a writ case correctly creates uncertainty as to the identity of the respondent and to nature of the relief sought. This court has held that this deficiency alone warrants dismissal. *State ex rel. Calloway v. Court of Common Pleas of Cuyahoga Cty.*, 8th Dist. Cuyahoga No. 71699, 1997 Ohio App. LEXIS 79452 (Feb. 27, 1997); *Jordan v. Cuyahoga Cty. Court of Common Pleas*, 8th Dist. Cuyahoga No. 96013, 2011-Ohio-1813.

{¶ 4} Moreover, it is difficult to discern what relief Turner is seeking. He avers that he placed the following issue before the respondent, and then lists several dates, alleges that the respondent did not respond to the issues, and for further explanation, this court should see an attached report. However, he attached no report. “If a relator has failed to present clearly the claims asserted and the relief requested, this court may enter judgment against the relator.” *State v. Byrge*, 8th Dist. Cuyahoga No. 92979, 2009-Ohio-4376, ¶ 2, and *State v. Wynn*, 8th Dist. Cuyahoga No. 105205, 2017-Ohio-659.

{¶ 5} Accordingly, this court dismisses Turner’s application for a writ of mandamus. Turner to pay costs. This court directs the clerk of courts to serve all

parties notice of the judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶ 6} Writ dismissed.

---

KATHLEEN ANN KEOUGH, PRESIDING JUDGE

MICHELLE J. SHEEHAN, J., and  
MARY EILEEN KILBANE, J., CONCUR

