

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

JEFFREY TURNER, :  
 :  
 Relator, :  
 : No. 112820  
 v. :  
 :  
 CUYAHOGA COUNTY DOMESTIC :  
 REEVE W. KELSEY, :  
 :  
 Respondent. :

---

JOURNAL ENTRY AND OPINION

**JUDGMENT: COMPLAINT DISMISSED**  
**DATED: August 15, 2023**

---

Writ of Prohibition  
Order No. 566343

---

***Appearances:***

Jeffrey Turner, *pro se*.

LISA B. FORBES, J.:

{¶ 1} Jeffrey Turner, the relator, has filed a complaint for a writ of prohibition. Turner names as respondents Judge Reeve Kelsey and Nina L. Turner. For the following reasons, this court dismisses the complaint for prohibition, sua sponte.

**{¶ 2}** Initially, we find that Turner has failed to sign the complaint for prohibition as required by Civ.R. 11, which provides that “[i]f a document is not signed \* \* \*, it may be stricken as sham and false \* \* \*.” *Robinson v. Lorain Cty. Printing & Publishing. Co.*, 9th Dist. Lorain No. 21CA011711, 2023-Ohio-3; *State v. Rosemond*, 1st Dist. Hamilton No. C-180221, 2021-Ohio-768. Further, Turner has failed to pay the filing fee to initiate this action or file an affidavit of indigence as required by Loc.App.R. 45(C). Failure to pay the filing fee or provide an affidavit of indigence may be grounds for dismissal. *Turner v. Turner*, 8th Dist. Cuyahoga No. 112821, 2023-Ohio-2187; *Grundstein v. Russo*, 8th Dist. Cuyahoga No. 110719, 2021-Ohio-3465, citing *State ex rel. Mickey v. McFaul*, 8th Dist. Cuyahoga Nos. 77320 and 77321, motion No. 12565, 1999 Ohio App. LEXIS 6256, 3 (Dec. 23, 1999).

**{¶ 3}** In addition, we are unable to determine the relief that Turner seeks. The complaint is captioned as an action in prohibition. To state a claim in prohibition, Turner must allege that Judge Kelsey has exercised or is about to exercise judicial or quasi-judicial power, Judge Kelsey lacks the authority to exercise that power, and that there exists no other adequate remedy in the ordinary course of the law. *State ex rel. Elder v. Campese*, 144 Ohio St.3d 89, 2015-Ohio-3628, 40 N.E.3d 1138. Turner has failed to address the fundamental elements of prohibition in his complaint. He has not identified what power Judge Kelsey has allegedly exercised or is about to exercise but lacks the authority to do so; and, he has not articulated why no other remedy is adequate in the ordinary course of the law. In

addition, Turner has failed to demonstrate that Nina L. Turner is a judicial or quasi-judicial officer who has exercised or is about to exercise judicial or quasi-judicial power. Therefore, we find that Turner's complaint is frivolous and he has failed to state a claim upon which relief can be granted, which requires a sua sponte dismissal of the complaint for prohibition. *State ex rel. Nyamusevya v. Hawkins*, 165 Ohio St.3d 22, 2021-Ohio-1122, 175 N.E.3d 495; *State ex rel. Peeples v. Anderson*, 73 Ohio St.3d 559, 653 N.E.2d 371 (1995); *State ex rel. Edwards v. Toledo City School Dist. Bd. of Edn.*, 72 Ohio St.3d 106, 647 N.E.2d 799 (1995).

¶ 4 Finally, we declare Turner a vexatious litigator pursuant to Loc.App.R. 23. In *In re Writ of Mandamus (Jeffery F. Turner, Sr.)*, 8th Dist. Cuyahoga No. 112758, 2023-Ohio-2158, this court forewarned Turner that the continued filing of procedurally defective complaints for original actions would result in a declaration as a vexatious litigator.

This is the fourth original action filed by relator that has been sua sponte dismissed. This court identified a number of procedural irregularities in the previous actions that remain uncorrected in the present filing. This court previously dismissed a complaint for writ of mandamus based on the failure to properly caption the case and clearly specify the claims and relief requested. *Turner*, 8th Dist. Cuyahoga No. 112661, 2023-Ohio-1574. See also *Turner v. Turner*, 8th Dist. Cuyahoga No. 112662, 2023-Ohio-1575 (dismissing complaint for writ of certiorari); *Turner v. Turner*, 8th Dist. Cuyahoga No. 112663, 2023-Ohio-1576 (dismissing complaint for writ of certiorari). These problems continue to exist in the present filing. Relator is warned that future filings in this court that are procedurally defective may result in a declaration that relator is a vexatious litigator pursuant to Loc.App.R. 23(B). This court may impose filing restrictions or other sanctions as provided for in this rule.

*Turner* at ¶ 9.

{¶ 5} Since journalization of the opinion that forewarned of the possibility of being declared a vexatious litigator, Turner has filed four additional complaints for original actions with three of the complaints dismissed, sua sponte, for procedural defects and failure to state claims upon which relief can be granted. *See Turner v. Turner*, 8th Dist. Cuyahoga No. 112819, 2023-Ohio-2397; *Turner*, 8th Dist. Cuyahoga No. 112821, 2023-Ohio-2187; *In re Writ of Mandamus (Jeffery F. Turner, Sr.)*, 8th Dist. Cuyahoga No. 112760, 2023-Ohio-2159.

{¶ 6} Thus, the following restrictions are imposed upon Turner pursuant to Loc.App.R. 23(B) and (C) when filing any original action after the date of this judgment entry and opinion: 1) deposit with the clerk of courts the sum of \$175 to secure costs per Loc.App.R. 45(C) and 3(A) or file with the clerk of courts a sworn affidavit (affidavit of indigency) or an affirmation of the inability to secure costs by prepayment per Loc.App.R. 45(C)(1) and 3(A)(1); 2) simultaneously with the filing of any original action, seek leave of court to proceed per Loc.App.R. 23(B). Turner, through his request for leave of court, must establish that any newly filed original action is not frivolous or is not filed for delay, harassment, or any other improper purpose.

{¶ 7} Accordingly, we sua sponte dismiss Turner's complaint for prohibition. Costs to Turner. 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).

{18} Complaint dismissed.

---

LISA B. FORBES, JUDGE

EILEEN A. GALLAGHER, P.J., and  
EILEEN T. GALLAGHER, J., CONCUR