

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

STATE EX. RELATOR,  
ISAIAH HUNTER-BEY,

Relator,

v.

HONORABLE ANTONIO S.  
NICHOLSON, ET AL.,

Respondents.

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No. 116596

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JOURNAL ENTRY AND OPINION

**JUDGMENT:** COMPLAINT DISMISSED

**DATED:** September 22, 2026

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Writs of Mandamus and Prohibition  
Motion Nos. 597411 and 597522  
Order No. 598840

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***Appearances:***

Isaiah Hunter-Bey, *pro se*.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Craig A. McClelland, Assistant Prosecuting Attorney, *for respondents* Hon. Antonio S. Nicholson and Nailah K. Byrd.

Mark D. Griffin, Cleveland Director of Law, and Michael A. Arnold, Assistant Director of Law, *for respondent* City of Cleveland.

EILEEN T. GALLAGHER, P.J.:

{¶ 1} Isaiah Hunter-Bey (“Hunter-Bey”), the relator, has filed a complaint for writs of mandamus and prohibition. Hunter-Bey seeks mandamus and prohibition against Judge Antonio S. Nicholson (“Judge Nicholson”), Nailah K. Byrd, Cuyahoga County Clerk of Courts (“Byrd”), and the City of Cleveland, Dept. of Law (“City”). Hunter-Bey alleges that in *State ex rel. Hunter-Bey v. Cleveland-Law Dept.*, Cuyahoga C.P. No. CV-25-125964, a complaint for public records under R.C. 149.43, Byrd improperly placed or removed items from the Cuyahoga County Court of Common Pleas docket.<sup>1</sup> In addition, Hunter-Bey alleges that Judge Nicholson has exceeded his judicial authority in the underlying complaint for public records.<sup>2</sup> Judge Nicholson and Byrd have filed a joint Civ.R. 12(B)(6) motion to dismiss for failure to state a claim upon which relief can be granted. The City has filed a separate Civ.R. 12(B)(6) motion to dismiss for failure to state a claim upon which relief can be granted. Hunter-Bey has not filed a brief in opposition to the two Civ.R. 12(B)(6) motions to dismiss. We grant both of the motions to dismiss for the following reasons and dismiss Hunter-Bey’s complaint for mandamus and prohibition.

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<sup>1</sup> Hunter-Bey seeks an order that requires Byrd to correct a fraudulent docket, restore an “ultra vires struck” filing, restore missing pdf links, and correct an allegedly improper service entry date.

<sup>2</sup> Hunter-Bey seeks to compel Judge Nicholson to vacate previously issued orders and provide reasonable accommodations pursuant to the Americans with Disabilities Act.

## **I. Test for Mandamus and Civ.R. 12(B)(6)**

{¶ 2} Mandamus is an extraordinary remedy, to be issued with great caution and discretion and only when the way is clear. *State ex rel. Taylor v. Glasser*, 50 Ohio St.2d 165, 166 (1977). To be entitled to a writ of mandamus, the relator must carry the burden of establishing that he or she possesses a clear legal right to the relief sought, that the respondent has a clear legal duty to perform the requested act, and that the relator has no plain or adequate remedy in the ordinary course of law. *State ex rel. Van Gundy v. Indus. Comm. Of Ohio*, 2006-Ohio-5854, ¶ 13. The relator has the burden of establishing all three elements by clear and convincing evidence. *State ex rel. Mars Urban Solutions, L.L.C. v. Cuyahoga Cty. Fiscal Officer*, 2018-Ohio-4668, ¶ 6.

{¶ 3} The purpose of a Civ.R. 12(B)(6) motion is to test the sufficiency of the complaint. *State ex rel. Boggs v. Springfield Local School Dist. Bd. of Edn.*, 72 Ohio St.3d 94, 95 (1995). For a case to be dismissed for failure to state a claim, it must appear beyond a doubt that, even assuming all factual allegations in the complaint are true, the nonmoving party can prove no set of facts that would entitle that party to the relief requested. *Keith v. Bobby*, 2008-Ohio-1443, ¶ 10. This court is not required to accept as true unsupported legal conclusion in the pleadings. *Morrow v. Reminger*, 2009-Ohio-2665, ¶ 7 (10th Dist.).

### **A. Mandamus Claim against Byrd – General Performance of Duties**

{¶ 4} Hunter-Bey, through his complaint for mandamus against Byrd, requests that she perform her duties under R.C. 2303.14 and Civ.R. 5(E).

Mandamus lies only to enforce the performance of a ministerial duty or act. A ministerial duty or act has been defined as one that a person performs in a given state of facts in the obedience to legal authority. The duty to be enforced must be specific and definite, clear and concise, and it may not be one that is left to the respondent's discretion. *State ex rel. Neal, Jr. v. Moyer*, 1985 Ohio App. LEXIS 5380 (3d Dist. Jan. 9, 1985) The object of a writ of mandamus is to compel an officer to do a specific act required by law and not to compel the general enforcement of the mandate of the law.

[A]nd while a court might well hold that the general course of conduct contended for by the relator, and which he seeks to have the plaintiff commanded to follow, is the course of conduct which the law requires, and, therefore, the course which the [respondent] is in duty bound to pursue, yet a court will not employ the extraordinary writ of mandamus to supplant every other form of remedy, for if it be employed to compel the observance of law generally, the court would thereby constitute itself the public conscience, and all others would become its agents through which the court would, within the law, exercise its will. The function of a court is to render judgment in actual controversies between adverse litigants, to command or restrain specific acts affecting existing rights of parties before the court, as distinguished from declaratory judgments affecting possible rights and potential controversies.

*State ex rel. Cullen v. Toledo*, 105 Ohio St. 545, 551 (1922).

{¶ 5} Hunter-Bey may not employ a writ of mandamus to compel Byrd to enforce the general mandate of the law. *State ex rel. S.P. v. Cleveland*, 2018-Ohio-2063, ¶ 9 (8th Dist.).

### **B. Mandamus Claim Against Byrd – Correct Fraudulent Docket Entry to Reflect Personal Service**

{¶ 6} Hunter-Bey alleges that a docket entry with regard to service of his m complaint in CV-25-125964, dated October 8, 2025, was fraudulent and should be corrected to demonstrate personal service completed on October 16, 2025. Contrary to Hunter-Bey’s argument, the docket in CV-25-125964 clearly demonstrates that service of the complaint for mandamus under R.C. 149.43 was served upon the City on October 16, 2025, and the return of service was docketed on October 21, 2025. In addition, mandamus does not lie to correct errors and procedural irregularities in the course of a case, such as argued by Hunter-Bey. *State ex rel. Wilmore v. Hayes*, 2013-Ohio-4716, ¶ 6 (8th Dist.). Furthermore, if Hunter-Bey has or had an adequate remedy, regardless of whether it is used or can be used, relief in mandamus is precluded. *State ex rel. Tran v. McGrath*, 78 Ohio St.3d 45, 47 (1997), and *State ex rel. Boardwalk Shopping Ctr., Inc. v. Court of Appeals for Cuyahoga Cty.*, 56 Ohio St.3d 33, 34 (1990).

### **C. Mandamus Claim Against Byrd – Restore Stricken Filing**

{¶ 7} Hunter-Bey argues that his filing of January 5, 2026, was improperly ordered stricken from the docket and requests that it be returned to the docket. On July 8, 2026, an entry was journalized that indicated Hunter-Bey’s filing of January 5, 2026, was struck by mistake and that the filing should be returned to the docket:

Relator’s motion, filed 04/21/2026, titled motion to demand vacatur of the February 5, 2026 order and correct the record, is granted in part, solely in regard to the clerk mistakenly striking relator’s 01/05/2026 motion from the docket. For clarification, the motion was denied, not

stricken. The clerk of courts is hereby ordered to restore relator's 01/05/2026 motion to the docket.

{¶ 8} Any request to restore the filing of January 5, 2026, is now moot. We further find that even if not restored, mandamus does not lie to require Byrd to restore the stricken filing. The correction of errors, if any, is the purpose of appeal, not mandamus. *Chambers v. Gaul*, 2017-Ohio-2765, ¶ 7 (8th Dist.).

**D. Mandamus Claim Against Byrd –  
Restore PDF Links in Online Docket**

{¶ 9} Hunter-Bey seeks mandamus in order to require Byrd to restore, in the online docket maintained by Byrd via the office of the Cuyahoga County Clerk of Courts, “all missing PDF links and inaccessible filings identified in Exhibit O to ensure a transmissible record.” Hunter-Bey has failed to establish that Byrd possesses any legal duty to ensure that the public website is an accurate reflection of the official Cuyahoga County Court of Common Pleas’ docket. In fact, upon entering the Case Records Search System of the Cuyahoga County Clerk of Courts, at <https://cpdocket.cp.cuyahogacounty.gov/> (accessed Sept. 14, 2026), the user is met with the following warning, which must be accepted prior to entering the online docket system:

Welcome to the Case Records Search System of the Cuyahoga County Clerk of Courts. The services and/or information we provided through this Website are subject to these Conditions of Use. Please read these Conditions of Use carefully. If you use our Website, you accept these conditions.

This Website service is offered as a convenience to the public and reflects, to the best of our capability, select public records maintained by the Cuyahoga County Clerk of Courts in performance of our

statutory obligations. These documents are not the official public records and may not include every document filed with the Clerk of Courts. The actual documents upon which this service is based are physically located at the offices of the Cuyahoga County Clerk of Courts, 1200 Ontario Street, Cleveland, OH 44113 and are available for review unless such records are exempt from disclosure. We make every effort to ensure that all information on this service is current and accurate but do not guarantee this. All users of this service agree to hold the Cuyahoga County Clerk of Courts harmless from any and all losses, damages, liability, omissions, or claims which may arise directly or indirectly from information obtained from this service or use of the service itself.

This Website is provided by the Cuyahoga County Clerk of Courts on an “as is” and “as available” basis. The Cuyahoga County Clerk of Courts makes no representations or warranties of any kind, express or implied, as to the operation of this Website or the information, content, materials, products included or services provided through this Website, and specifically disclaims any warranty, express, implied or statutory, including any warranty of merchantability or fitness for a particular purpose. You expressly agree that your use of this Website is at your sole risk. You expressly agree that neither the Cuyahoga County Clerk of Courts, including but not limited to its elected and/or appointed officials, employees, and agents, nor Cuyahoga County, including but not limited to its elected and/or appointed officials, employees, and agents, shall be responsible for any claim, demand, loss, damage, injury, judgment, debt, obligation, liability, or form of action of any kind relating directly or indirectly to the use of this Website, the posting of information or data on this Website, the accessing of information or data on this Website, and/or the acts and/or omissions of any person or entity accessing or using any information or data from this Website. This includes but is not limited to claims arising out of or incident to incorrect or incomplete data or information. All users are cautioned to verify independently any information or data obtained from this Website with the official court record information maintained by the office of the Cuyahoga County Clerk of Courts.

Furthermore, users of this service understand that periodic maintenance and system outages, whether scheduled or unscheduled, may occur and that during such outages this Website may be unavailable. In the event this system is unavailable for any reason, including but not limited to technical difficulties, the Cuyahoga County

Clerk of Court assumes no responsibility to restore the system within any predetermined period of time.

You may not bypass the database query parsers and directly access the search engines or documents. Users using, formulating or constructing their own search or query URLs in an attempt to bypass the database query parsers and directly access the database search engines or documents will be permanently denied access to the database without notice, as such efforts may lead to incorrectly formulated queries which may jeopardize proper operation of the database servers.

The Case Records Search System is not intended as a source of information for those seeking copies of large quantities of records. These databases are intended for use by the general public. They are not intended to be a source for bulk downloads of data. Efforts to mine large quantities of data from the System without prior approval of the Clerk of Courts office are unauthorized and will be detected and stopped.

By visiting the Website of the Cuyahoga County Clerk of Courts, you agree that the laws of the State of Ohio will govern these Conditions of Use and any dispute of any sort that might arise between you and the Cuyahoga County Clerk of Courts and/or Cuyahoga County.

{¶ 10} Hunter-Bey has failed to establish a right to require the restoration of the PDF links in Exhibit O, as contained in the online website, nor does he establish that Byrd possesses any duty to ensure that every document filed with the Cuyahoga County Clerk of Courts is contained in the website. Hunter-Bey has failed to establish a claim upon which mandamus can be granted. *State ex rel. Metz v. GTC, Inc.*, 2015-Ohio-1348, ¶ 11.

### **E. Mandamus – Investigation and Audit of Byrd**

{¶ 11} Hunter-Bey seeks a writ of mandamus

ordering an immediate, comprehensive investigation and independent audit into the systemic docketing discrepancies, chronological manipulations, and unauthorized clerical strikes identified herein —

specifically the five-day retention and back stamping of the Sheriff's Return of Service — to ensure the integrity of the judicial record through a formal show-cause order.

{¶ 12} Hunter-Bey has failed to identify any law that creates a legal right to the relief he seeks or a clear legal duty for Byrd to order the requested investigation based upon “the five-day retention and back stamping of the Sheriff's Return of Service.” Thus, he has failed to state a claim upon which this court can grant relief. Accordingly, relator's petition for a writ of mandamus is denied. *State ex rel. Naples v. Vance*, 2003-Ohio-4738, ¶ 11 (7th Dist.). This court has also held that mandamus may not be employed to conduct or order an investigation. *Chambers*, 2017-Ohio-2765, at ¶ 7 (8th Dist.).

#### **F. Mandamus Claim Against Judge Nicholson**

{¶ 13} Hunter-Bey seeks mandamus against Judge Nicholson in order to vacate the judgment of February 5, 2026, and provide reasonable modifications to court procedures pursuant to the Americans with Disabilities Act. As previously stated, Judge Nicholson issued an order on July 8, 2026, that indicated Hunter-Bey's filing of February 5, 2026, was struck by mistake and that the filing should be returned to the docket. In addition, on March 19, 2026, Judge Nicholson issued an order that granted compliance with the Americans with Disabilities Act stating

Relator's motion titled: \*\*emergency motion for reasonable accommodations and to proceed by written submissions with medical documentation properly filed pursuant to Ohio Civ.R. 7(b)\*\*\*, filed 03/02/2026, is granted. Relator is permitted to proceed in this matter via written-only communications. However, if the litigation proceeds into stages of litigation necessitating depositions or party/witness testimony, the court and all parties will need to further discuss the

procedure for such stages of litigation. As it pertains to pretrial motions and pretrial events such as cmc's, relator may proceed by written-only participation.

{¶ 14} Hunter-Bey's request for mandamus, with regard to the application of the American Disabilities Act and the return of filings to the docket, are moot.

## **II. Test for Prohibition**

{¶ 15} In order for this court to issue a writ of prohibition, Hunter-Bey must demonstrate that (1) Judge Nicholson is about to exercise judicial power, (2) the exercise of such power by Judge Nicholson is unauthorized by law, and (3) Hunter-Bey possesses no other adequate remedy in the ordinary course of the law. *State ex rel. Largent v. Fisher*, 43 Ohio St.3d 160, 161 (1989); *Collegiate Communities, L.L.C. v. Kilbane*, 2020-Ohio-926, ¶ 6 (8th Dist.). Prohibition does not lie unless it is clear that a court possesses no jurisdiction over the cause that it is attempting to adjudicate or the court is about to exceed its jurisdiction. *State ex rel. Ellis v. McCabe*, 138 Ohio St. 417, 420 (1941); *State ex rel. Thomas v. McGinty*, 2019-Ohio-5129, ¶ 13 (8th Dist.).

{¶ 16} A writ of prohibition may not be employed to prevent an erroneous judgment, serve the purpose of an appeal, or correct mistakes of a lower court in deciding questions within its jurisdiction. *State ex rel. Sparto v. Juvenile Court of Darke Cty.*, 153 Ohio St. 64, 65 (1950); *A.S. v. Gold*, 2020-Ohio-4309, ¶ 5 (8th Dist.). Prohibition should be employed with great caution and will not issue in doubtful cases. *State ex rel. Merios v. Tuscarawas Cty. Court of Common Pleas*, 137 Ohio St. 273, 277 (1940); *State ex rel. Lang v. Turner*, 2019-Ohio-3520, ¶ 5 (8th Dist.).

Absent a patent and unambiguous lack of jurisdiction, a court possessing general subject matter of an action possesses the necessary authority to determine its own jurisdiction. A party challenging the court’s jurisdiction has an adequate remedy at law through an appeal from the court’s holding that it possesses jurisdiction. *State ex rel. Cleveland v. Russo*, 2019-Ohio-1595, ¶ 8; *State ex rel. Rootstown Local School Dist. Bd. Of Edn. v. Portage Cty. Court of Common Pleas*, 78 Ohio St.3d 489, 419 (1967). It must also be noted that this court has discretion in issuing a writ of prohibition. *V.R.T. v. Celebrezze*, 2019-Ohio-2339, ¶ 5 (8th Dist.).

{¶ 17} Herein, Ohio’s common pleas courts are endowed with “original jurisdiction over all justiciable matters . . . as may be provided by law.” Ohio Const., art. IV, § 4(B). Jurisdiction has been “provided by law” in R.C. 2305.01, which states that courts of common pleas have “original jurisdiction in all civil cases in which the sum or matter in dispute exceeds the exclusive original jurisdiction of county courts.” The Ohio Supreme Court has long held that the court of common pleas is a court of general jurisdiction, with subject-matter jurisdiction that extends to “all matters at law and in equity that are not denied to it.” *Saxton v. Seiberling*, 48 Ohio St. 554, 558-559 (1891); *Bank of Am., N.A. v. Kuchta*, 2014-Ohio-4275, ¶ 20.

{¶ 18} The Ohio Supreme Court has addressed the confusion often surrounding the term jurisdiction. The term jurisdiction can be used with regard to the concepts of jurisdiction over the subject matter, jurisdiction over the person, and jurisdiction over a particular case. *Kuchta* at ¶ 18. Prohibition is solely concerned with a court’s subject-matter jurisdiction, that is “the power of a court to entertain

and adjudicate a particular class of cases.” *Id.* at ¶ 19. A court’s subject-matter jurisdiction is determined without regard to the rights of any individual party. *Corder v. Ohio Edison Co.*, 2020-Ohio-5220, ¶ 14.

### **A. Prohibition and Judge Nicholson**

{¶ 19} Hunter-Bey has failed to establish that Judge Nicholson does not possess the necessary jurisdiction to proceed in the underlying R.C. 149.43 public-records action in the Cuyahoga County Court of Common Pleas. In addition, Hunter-Bey does possess an adequate remedy at law through an appeal. *State ex rel. Taylor v. Miday*, 2024-Ohio-6203, ¶ 9 (8th Dist.). Hunter-Bey’s request for a writ of prohibition fails and is denied.

### **III. Request to Stay**

{¶ 20} Hunter-Bey has requested that all proceedings in the underlying civil action be stayed pending disposition of his complaint for mandamus and prohibition. Hunter-Bey argues that a stay is mandated “to prevent further irreparable harm to [his] constitutional rights and property interest.” Hunter-Bey has failed to establish what constitutional rights and property interests will be subject to irreparable harm if proceedings in the underlying public-records action are not stayed. The request for a stay is not supported and must fail. *France v. Celebrezze*, 2012-Ohio-2072, ¶ 8 (8th Dist.).

### **IV. Mandamus and Prohibition Claim against City**

{¶ 21} A thorough review of the complaint fails to disclose that a request for mandamus or prohibition has been raised and argued against the City. The caption

of the complaint is the only instance in which the City is named as a party. Hunter-Bey has not indicated what ministerial duty the City possesses to allow for mandamus. *State ex rel. Swopes v. McCormick*, 2022-Ohio-306, ¶ 10 (8th Dist.). In addition, in order to obtain a writ of prohibition, Hunter-Bey must establish that the City is intending to exercise any judicial or quasi-judicial power. Hunter-Bey has failed to establish that the City is intending to exercise any unauthorized judicial power. *State ex rel. Roush v. Montgomery*, 2019-Ohio-932 ¶ 5. Hunter-Bey has not proven a set of facts warranting relief in mandamus or can prove no set of facts warranting relief in mandamus or prohibition against the City, and dismissal of the complaint against the city is warranted. *Perez v. Cleveland*, 66 Ohio St.3d 397, 399 (1993).

**{¶ 22}** Accordingly, we grant the joint Civ.R. 12(B)(6) motion to dismiss filed by Judge Nicholson and Byrd and the Civ.R. 12(B)(6) motion to dismiss filed by the City. Costs to Hunter-Bey. 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).

**{¶ 23}** Complaint dismissed.

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EILEEN T. GALLAGHER, PRESIDING JUDGE

MARY J. BOYLE, J., and  
SEAN C. GALLAGHER, J., CONCUR