

STATE OF OHIO)
)ss:
COUNTY OF LORAIN)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

ROZELL R. WOODSON

Petitioner

v.

JENNIFER BLACK, WARDEN

Respondent

C.A. No. 23CA012033

ORIGINAL ACTION IN
HABEAS CORPUS

Dated: October 23, 2023

PER CURIAM.

{¶1} Relator, Rozell R. Woodson, has filed a petition for writ of habeas corpus seeking an order to Respondent, Warden Jennifer Black, to release him from custody. Because Mr. Woodson’s petition does not comply with the mandatory requirements of R.C. 2969.25, this Court must dismiss this action.

{¶2} R.C. 2969.25 sets forth specific filing requirements for inmates who file a civil action against a government employee or entity. Warden Black is a government employee and Mr. Woodson, incarcerated in the Lorain Correctional Institution, is an inmate. R.C. 2969.21(C) and (D). A case must be dismissed if the inmate fails to comply with the mandatory requirements of R.C. 2969.25 in the commencement of the action. *State ex rel. Graham v. Findlay Mun. Court*, 106 Ohio St.3d 63, 2005-Ohio-3671, ¶ 6 (“The requirements of R.C. 2969.25 are mandatory, and failure to comply with them subjects an inmate’s action to dismissal.”). Mr. Woodson failed to comply with R.C. 2969.25(C).

{¶3} An inmate seeking the waiver of filing fees, as Mr. Woodson is here, must file an affidavit of indigency. The affidavit must include, among other things, “[a] statement that sets forth the balance in the inmate account of the inmate for each of the preceding six months, as certified by the institutional cashier[.]” R.C. 2969.25(C)(1). The Ohio Supreme Court has construed these words strictly: an affidavit that “does not include a statement setting forth the balance in [an] inmate account for *each* of the preceding six months” fails to comply with R.C. 2969.25(C)(1). (emphasis *sic.*) *State ex rel. Roden v. Ohio Dept. of Rehab. & Corr.*, 159 Ohio St.3d 314, 2020-Ohio-408, ¶ 6.

{¶4} Mr. Woodson filed a “Motion to Proceed Indigent” in which he asked for a waiver of the prepayment of the filing fees. The motion states that it includes an affidavit that sets forth the balance of his inmate account for the preceding six months, as certified by the institutional cashier. What Mr. Woodson filed did not set forth the balance for the preceding six months, but he did file two documents related to his inmate account. The first is a combined statement of the balance of his account, certified by the institutional cashier, and affidavit of indigency. The second is a statement of the inmate’s financial record, also certified by the institutional cashier. Both cashier documents include starting and ending balances, one for a six-month period and the other for a shorter period. But neither statement complies with the requirements of R.C. 2969.25(C).

{¶5} The statements do not reflect the balance of the inmate account for each of the preceding six months, as required by R.C. 2969.25(C)(1). “R.C. 2969.25(C) does not permit substantial compliance[;]” it requires strict adherence by the filing inmate. *Id.* at ¶ 8, citing *State ex rel. Neil v. French*, 153 Ohio St.3d 271, 2018-Ohio-2692, ¶ 7. Therefore, Mr. Woodson’s “Motion to Proceed Indigent” does not comply with the mandatory requirements of R.C. 2969.25(C)(1).

{¶6} Because Mr. Woodson did not comply with the mandatory requirements of R.C. 2969.25, this case is dismissed. Costs are taxed to Mr. Woodson. The clerk of courts is hereby directed to serve upon all parties not in default notice of this judgment and its date of entry upon the journal. Civ.R. 58.

JENNIFER L. HENSAL
FOR THE COURT

CARR, J.
FLAGG LANZINGER, J.
CONCUR.

APPEARANCES:

ROZELL R. WOODSON, Pro se, Relator.