

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE EX REL. JAMES TAYSE

C.A. No. 31436

Relator

v.

SUMMIT COUNTY COURT OF
COMMON PLEAS GENERAL DIVISION

ORIGINAL ACTION IN
PROHIBITION

Respondent

Dated: April 30, 2025

PER CURIAM.

{¶1} Relator, James Tayse, has petitioned this Court for a writ of prohibition asking this Court to order Respondent, Summit County Court of Common Pleas, to vacate his underlying criminal case and order his release or to properly commence criminal proceedings against him. Because Mr. Tayse failed to comply with the mandatory requirements of R.C. 2969.25, this case must be dismissed.

{¶2} R.C. 2969.25 sets forth specific filing requirements for inmates who file a civil action against a government employee or entity. The Summit County Court of Common Pleas is a government entity, and Mr. Tayse, incarcerated in the Southern Ohio Correctional Facility, is an inmate. R.C. 2969.21(C) and (D). A case must be dismissed if an 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*, 2005-Ohio-3671, ¶ 6.

{¶3} Mr. Tayse was required to file an affidavit of prior civil actions at the commencement of this action. R.C. 2969.25(A). Mr. Tayse, however, only filed the complaint seeking the writ of prohibition. Because he failed to file an affidavit of prior civil actions, this case must be dismissed. “Compliance with R.C. 2969.25(A) is mandatory, and a failure to comply warrants dismissal of the action.” *State ex rel. Woods v. Jenkins*, 2023-Ohio-2333, ¶ 4, quoting *State v. Henton*, 2016-Ohio-1518, ¶ 3.

{¶4} Mr. Tayse also failed to pay the cost deposit or comply with R.C. 2969.25(C). This section requires an inmate who seeks a waiver of the prepayment of the cost deposit to file specific, statutorily required, information. In this case, Mr. Tayse neither prepaid the cost deposit nor sought a waiver of prepayment of the deposit. Accordingly this case must be dismissed. *Dunkle v. Hill*, 2021-Ohio-3835, ¶ 7 (failure to pay the cost deposit or seek a waiver supported by the statutorily mandated documents requires dismissal).

{¶5} Because Mr. Tayse failed to comply with the mandatory requirements of R.C. 2969.25, this case is dismissed. Costs taxed to Mr. Tayse. 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. *See* Civ.R. 58(B).

SCOT STEVENSON
FOR THE COURT

CARR, J.
SUTTON, J.
CONCUR.

APPEARANCES:

JAMES TAYSE, SR., Pro Se, Petitioner.