[Cite as *State ex rel. Copeland v. Michael*, 2026-Ohio-4560.]

STATE OF OHIO COUNTY OF SUMMIT	))ss:)	IN THE COURT OF APPEALS NINTH JUDICIAL DISTRICT

STATE OF OHIO EX REL. YVETTE COPELAND Relator v. JUDGE KATHRYN MICHAEL Respondent	C.A. No. 32061 ORIGINAL ACTION IN MANDAMUS AND PROCEDENDO

Dated: November 18, 2026

PER CURIAM.

{¶1} Relator, Yvette Copeland, filed a petition seeking writs of procedendo and mandamus to order Respondent, Judge Kathryn Michael, to rule on her application to qualify as an indigent litigant under R.C. 2323.211 in Summit County Court of Common Pleas Case No. CV-2026-01-0138. Judge Michael moved to dismiss. Ms. Copeland did not respond. Because Ms. Copeland's petition does not demonstrate that Judge Michael has a clear duty to act or that Judge Michael has refused to render a judgment or has unnecessarily delayed proceeding to judgment, the motion to dismiss is granted.

{¶2} When this Court reviews a motion to dismiss under Civ.R. 12(B)(6), we must presume that all of the factual allegations in the petition are true and make all reasonable inferences in favor of the nonmoving party. *State ex rel. Seikbert v. Wilkinson*, 69 Ohio St.3d 489, 490 (1994). A petition can only be dismissed when, having viewed the complaint in this way, it appears beyond

doubt that the relator can prove no set of facts that would entitle her to the relief requested. *Goudlock v. Voorhies*, 2008-Ohio-4787, ¶ 7.

{¶3} To establish that she is entitled to a writ of mandamus, Ms. Copeland must demonstrate that she has a clear right to the relief requested, that Judge Michael has a clear legal duty to provide that relief, and that she does not have an adequate remedy in the ordinary course of law. *State ex rel. Manley v. Walsh*, 2014-Ohio-4563, ¶ 18. "Procedendo is the appropriate remedy when a court has refused to render a judgment or has unnecessarily delayed proceeding to judgment." *Lloyd v. Wiest*, 2023-Ohio-869, ¶ 2 (9th Dist.). In order to establish that she is entitled to a writ of procedendo, Ms. Copeland must demonstrate that she has a clear legal right to require Judge Michael to proceed, the judge has a clear legal duty to proceed, and there is no adequate remedy available in the ordinary course of law. *State ex rel. Ward v. Reed*, 2014-Ohio-4512, ¶ 9.

{¶4} Ms. Copeland's petition maintains that she filed a financial disclosure form in connection with the underlying civil case on April 8, 2026, along with a motion to restrict public access. She alleges that Judge Michael had a duty arising under R.C. 2323.311(B)(4) to approve or deny the application and, if denied, to allow her thirty days to pay the relevant fees. Ms. Copeland maintains that she could not obtain service of her amended complaint without paying service fees, which she could not do without a ruling on her motion to waive costs. She asserts that the underlying case was dismissed without prejudice on July 30, 2026, without a ruling on her motion. That judgment assessed costs against her, which remain unpaid.

{¶5} Judge Michael has moved to dismiss, arguing that Ms. Copeland did not file the affidavit of indigency required by R.C. 2323.311. Instead, Judge Michael argues that Ms. Copeland filed a motion requesting leave to file an affidavit of indigency form under seal, which was denied in a magistrate's order that resolved all outstanding motions. Because the affidavit of

indigency was never filed, Judge Michael maintains that Ms. Copeland did not comply with R.C. 2323.311, and consequently, that there was no duty for her to rule.

{¶6} As a general rule, a court cannot rely on evidence or allegations that are outside the complaint when considering a motion to dismiss under Civ.R. 12(B)(6). *State ex rel. Ames v. Baker, Dublikar, Beck, Wiley & Mathews*, 2023-Ohio-2668, ¶ 16. In original actions, however, "a court may take notice of the docket and record in a closely related case to determine whether the current complaint states a claim for relief." *State ex rel. Neguse v. McIntosh*, 2020-Ohio-3533, ¶ 18. When the filings in a closely related case demonstrate that "a central allegation of the . . . petition was not true," a motion to dismiss should be granted. *Id.*, citing *Klick v. Snavely*, 119 Ohio St. 308, 309-310 (1928).

{¶7} R.C. 2323.311, which is the basis for Ms. Copeland's claim that Judge Michael has a duty, provides that "[i]n order to qualify as an indigent litigant, the applicant shall file with the court in which a civil action or proceeding is filed an affidavit of indigency in a form approved by the supreme court. . . ." R.C. 2323.311(B)(1). A judicial officer's obligations, as set forth in R.C. 2323.311(B)(4), do not attach until the applicant has done so. Ms. Copeland's complaint maintains that "On April 8, 2026, Relator hand-delivered for filing a Completed Civil Fee-Waiver Affidavit and Order (Form 20), together with a public motion requesting restricted treatment and supporting financial information submitted in a sealed envelope." The docket, however, indicates that neither the April 8, 2026, public filings nor the sealed filings include an affidavit of indigency required by R.C. 2323.311(B)(1). It also appears from the docket that Ms. Copeland did not file an affidavit of indigency at any other point.

{¶8} The docket in the underlying civil case, which is a "closely related case," therefore demonstrates that a central allegation of Ms. Copeland's petition is not true. *See McIntosh* at ¶ 18.

Because Ms. Copeland did not file a financial disclosure form in the underlying case, she cannot demonstrate that Judge Michael has a clear legal duty to provide the relief that she requested or that Judge Michael has unnecessarily delayed a ruling. It therefore appears beyond doubt that Ms. Copeland can prove no set of facts that would entitle her to the relief requested, and Judge Michael's motion to dismiss is granted.

{¶9} The motion to dismiss is granted, and Ms. Copeland's petition is dismissed. All outstanding motions are denied. Costs taxed to Ms. Copeland. 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).

JILL FLAGG LANZINGER
FOR THE COURT

SUTTON, J.
STEVENSON, J.
CONCUR.

APPEARANCES:

YVETTE COPELAND, Pro Se, Relator.

ELLIOT KOLKOVICH, Prosecuting Attorney, and JENNIFER M. PIATT, Assistant Prosecuting Attorney, for Respondent.