

SUPREME COURT OF OHIO

State ex rel. Evans v. Mohr

State ex rel. Evans v. Mohr (Slip Opinion), 2018 Ohio 5089 (Ohio 2018) · No. 2018-0452 · Decided December 20, 2018

SUMMARY

The Supreme Court of Ohio affirmed the dismissal of William H. Evans Jr.'s mandamus complaint against the director of the Ohio Department of Rehabilitation and Correction. The court held that mandamus could not compel removal of a federal detainer because the detainer had already been removed, rendering the claim moot. It also held that the court of appeals lacked original jurisdiction over Evans's declaratory-judgment request and that he could not seek monetary damages through a summary-judgment motion when those damages were not pleaded in the complaint.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per curiam; Maureen O'Connor, Chief Justice; Maureen O'Connor, C.J.; Maureen E. Kennedy, J.; Judith L. French, J.; Patrick F. Fischer, J.; Pat DeWine, J.; Mary DeGenaro, J.; William M. O'Donnell, J.
JURISDICTION	Ohio
DECIDED	December 20, 2018
DOCKET	2018-0452
DISPOSITION	affirmed
PROCEDURAL POSTURE	Evans appealed the Tenth District Court of Appeals' dismissal of his mandamus complaint and denial of his motions for declaratory judgment and summary judgment.
STANDARD OF REVIEW	The Supreme Court reviewed the dismissal of the mandamus complaint and the denial of the related motions; the opinion applied Civ.R. 12(B)(6) principles and reviewed the legal consequences of mootness and jurisdiction.
PRECEDENTIAL VALUE	Published Ohio Supreme Court opinion
PARTIES	State ex rel. Evans, William H. Evans Jr. v. Gary Mohr, Director, Ohio Department of Rehabilitation and Correction

TOPICS

mootness

appellate procedure

declaratory judgment

summary judgment

civil procedure

PRACTICE AREAS

Civil procedure

Appellate procedure

Mandamus

Administrative law

QUESTIONS PRESENTED

1. Whether the court of appeals properly dismissed Evans's mandamus complaint as moot after the Department removed the federal detainer.
2. Whether the court of appeals could consider extrinsic evidence of mootness without converting the motion to dismiss into a motion for summary judgment.
3. Whether the court of appeals had original jurisdiction over Evans's request for a declaratory judgment.
4. Whether Evans could seek monetary damages through a summary-judgment motion when he had not pleaded a damages claim in his mandamus complaint.

HOLDINGS

1. Mandamus will not issue to compel an act that has already been performed, and the completed removal of the detainer rendered Evans's mandamus claim moot.
2. Although courts generally may not rely on evidence outside the complaint to decide a Civ.R. 12(B)(6) motion, an event causing a case to become moot may be proved by extrinsic evidence without converting the motion to one for summary judgment.
3. The court of appeals correctly denied Evans's motion for declaratory judgment because Ohio courts of appeals lack original jurisdiction over claims for declaratory judgment.
4. A party may not assert a claim for monetary damages through a summary-judgment motion when the claim was not included in the complaint.

KEY QUOTATIONS

“A writ of mandamus will not issue to compel an act already performed.” (¶ 4)

“An event that causes a case to become moot may be proved by extrinsic evidence outside the record.” (¶ 5)

“courts of appeals lack original jurisdiction over claims for declaratory judgment.” (¶ 7)

FACTUAL BACKGROUND

Evans, an inmate at the Northeast Ohio Correctional Center, alleged that the Ohio Department of Rehabilitation and Correction had erroneously placed a federal detainer on his prison record. After Evans filed his mandamus complaint, the Department investigated and removed the detainer. Evans then sought declaratory relief preventing future modifications to his records and monetary damages, although those requests were not included in his original complaint.

PROCEDURAL HISTORY

Evans filed a mandamus complaint in the Tenth District seeking removal of a federal detainer from his prison record. The Department of Rehabilitation and Correction removed the detainer and moved to dismiss. The court of appeals dismissed the complaint as moot, denied Evans's later motions for declaratory judgment and summary judgment, and the Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

CASES CITED

- State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas, 74 Ohio St. 3d 278, 279, 658 N.E.2d 723 (1996)
- Adkins v. McFaul, 76 Ohio St. 3d 350, 350, 667 N.E.2d 1171 (1996)
- Jefferson v. Bunting, 140 Ohio St. 3d 62, 2014-Ohio-3074, 14 N.E.3d 1036
- State ex rel. Cincinnati Enquirer, Div. of Gannett Satellite Info. Network, Inc. v. Dupuis, 98 Ohio St. 3d 126, 2002-Ohio-7041, 781 N.E.2d 163
- State ex rel. Nelson v. Russo, 89 Ohio St. 3d 227, 228, 729 N.E.2d 1181 (2000)
- State ex rel. Shimko v. McMonagle, 92 Ohio St. 3d 426, 430, 751 N.E.2d 472 (2001)
- McGinnis, Inc. v. Lawrence Economic Dev. Corp., 4th Dist. Lawrence No. 02CA33, 2003-Ohio-6552