

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

Benton v. Walker

2026-Ohio-897 · No. C.A. No. 31638 · Decided March 18, 2026

SUMMARY

The Ninth District Court of Appeals of Ohio dismissed Willie Benton's original action seeking a writ of mandamus against Akron Municipal Court Judge Nicole Walker. The court held that the petition failed to comply with Ohio Revised Code section 2731.04 because it was neither verified by affidavit nor supported by a notarized affidavit. Costs were taxed to Benton.

CASE DETAILS

|                       |                                                                                                                     |
|-----------------------|---------------------------------------------------------------------------------------------------------------------|
| COURT                 | Ohio Court of Appeals, Ninth Judicial District                                                                      |
| WRITING FOR THE COURT | Scot A. Stevenson; Jennifer Hensal; Sutton                                                                          |
| JURISDICTION          | Ohio Court of Appeals, Ninth District, Summit County                                                                |
| DECIDED               | March 18, 2026                                                                                                      |
| DOCKET                | C.A. No. 31638                                                                                                      |
| DISPOSITION           | dismissed                                                                                                           |
| PROCEDURAL POSTURE    | Original action in mandamus by Willie Benton seeking to compel the respondent judge to docket and rule on a motion. |
| PRECEDENTIAL VALUE    | Published Ohio Court of Appeals opinion                                                                             |
| PARTIES               | Willie Benton v. Judge Nicole Walker                                                                                |

TOPICS

- civil procedure
- appellate procedure
- remedies
- pleadings

PRACTICE AREAS

- civil procedure
- mandamus
- appellate procedure
- remedies

QUESTIONS PRESENTED

- Whether an original mandamus petition that is not verified by affidavit satisfies the filing requirements of R.C. 2731.04.
- Whether the noncompliant mandamus petition should be dismissed.

## HOLDINGS

1. R.C. 2731.04 requires an application for a writ of mandamus to be verified by affidavit.
2. A mandamus petition that is not verified by affidavit is subject to dismissal.

## KEY QUOTATIONS

*“A complaint is subject to dismissal when a relator fails to notarize his complaint or support it with a notarized affidavit.” (¶ 2)*

## FACTUAL BACKGROUND

Willie Benton sought a writ of mandamus ordering Judge Nicole Walker to docket and rule on a motion. His petition was neither notarized nor supported by a notarized affidavit.

## PROCEDURAL HISTORY

Benton filed an original mandamus petition in the Ninth District Court of Appeals against Judge Nicole Walker of the Akron Municipal Court. The appellate court dismissed the petition because it was not verified by affidavit and taxed costs to Benton.

## DISPOSITION

dismissed

## CASES CITED

- State ex rel. Reeves v. Chief of Police, Cedar Point Police Dept., 2015-Ohio-2909, ¶ 4

## INSTRUCTIONS FOR AN AI ASSISTANT

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