

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

OPINION

Benton v. Walker

2026 Ohio 897

PER CURIAM.

[Cite as Benton v. Walker, 2026-Ohio-897.]

STATE OF OHIO) IN THE COURT OF APPEALS

)ss: NINTH JUDICIAL DISTRICT

COUNTY OF SUMMIT)

WILLIE BENTON

Relator C.A. No. 31638 v.

JUDGE NICOLE WALKER

ORIGINAL ACTION IN MANDAMUS

Respondent Dated: March 18, 2026 PER CURIAM. {¶1} Relator, Willie Benton, has petitioned this Court for a writ of mandamus to order Respondent, Judge Walker of the Akron Municipal Court, to docket and rule on a motion. For the following reasons, this Court dismisses the petition.

{¶2} R.C. 2731.04 contains mandatory filing requirements for writs of mandamus. Relevant to this case, it requires applications for writs of mandamus to be “verified by affidavit.” R.C. 2731.04. A complaint is subject to dismissal when a relator fails to notarize his complaint or support it with a notarized affidavit. *State ex rel. Reeves v. Chief of Police, Cedar Point Police Dept.*, 2015-Ohio-2909, ¶ 4. {¶3} Mr. Benton’s petition is not verified by affidavit. The petition itself is not notarized, nor is it supported by a notarized affidavit. Accordingly, the petition does not comply with R.C. 2731.04 and is subject to dismissal. See *id.* 2 {¶4} Mr. Benton’s petition is dismissed. Costs of this action are taxed to Mr. Benton. 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 A. STEVENSON

FOR THE COURT

HENSAL, J. SUTTON, J. CONCUR. APPEARANCES: WILLIE BENTON, Pro Se, Relator. DEBORAH S. MATZ, Director of Law, and KIRSTEN L. SMITH, Assistant Director of Law, for Respondent.