OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

Benton v. Walker

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

OPINION

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.

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