

COURT OF APPEALS OF OHIO, TENTH APPELLATE DISTRICT

State ex rel. Preston v. Hoying

2026-Ohio-528 · No. 25AP-719 · Decided February 17, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio dismissed Atravion Preston’s mandamus action seeking public records from the Ohio Parole Board. The court adopted the magistrate’s decision, concluding that Preston failed to file the written affirmation required by Ohio Revised Code 149.43(C)(2) for a public-records mandamus action.

CASE DETAILS

COURT	Court of Appeals of Ohio, Tenth Appellate District
WRITING FOR THE COURT	Beatty Blunt, J.; Jamison, J.; Dingus, J.
JURISDICTION	Court of Appeals of Ohio, Tenth Appellate District
DECIDED	February 17, 2026
DOCKET	25AP-719
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original mandamus action seeking an order compelling production of public records; respondent moved to dismiss under Civ.R. 12(B)(6); the magistrate recommended dismissal, and the appellate court adopted the magistrate's decision.
STANDARD OF REVIEW	On a Civ.R. 12(B)(6) motion, the court presumes factual allegations to be true and draws reasonable inferences in the relator's favor; dismissal is proper when it appears beyond doubt that the relator could prove no set of facts entitling him or her to the requested extraordinary writ. When no timely objections to a magistrate's decision are filed, the court may adopt it unless it finds an error of law or other defect evident on the face of the decision.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	Atravion Preston, relator v. Lisa Hoying, Ohio Parole Board Chair, and Ohio Parole Board, respondent

TOPICS

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QUESTIONS PRESENTED

1. Whether Preston's public-records mandamus action was subject to dismissal because he failed to file the written affirmation required by R.C. 149.43(C)(2).
2. Whether the magistrate's decision recommending dismissal should be adopted when no timely objections were filed.

HOLDINGS

1. A person filing a public-records mandamus action must submit with the petition a written affirmation satisfying R.C. 149.43(C)(2), and failure to file that affirmation requires dismissal of the action.
2. The appellate court may adopt the magistrate's decision when no timely objections are filed unless it identifies an error of law or another defect evident on the face of the decision; the court found no such error or defect here.
3. Preston was not entitled to a writ of mandamus because his failure to satisfy the statutory filing prerequisite required dismissal of his petition.

KEY QUOTATIONS

“Relator did not file, in conjunction with his petition, a written affirmation affirming that he completed the three requirements in R.C. 149.43(C)(2). Therefore, pursuant to R.C. 149.43(C)(2), the magistrate is required to dismiss relator’s petition.” (¶ 16)

“Therefore, we adopt the magistrate’s decision as our own, including the findings of fact and the conclusions of law therein, and conclude that relator has not shown he is entitled to a writ of mandamus, and his action must be dismissed.” (¶ 4)

FACTUAL BACKGROUND

Preston, an inmate at Lorain Correctional Institution, sent a public-records request through the prison's messaging system to the Ohio Parole Board. He sought audio recordings or a transcript of violation hearings held on May 27 and June 16, 2025, as well as other records maintained by the board containing his name. The board responded that no transcripts existed and that a court order would be required to obtain the audio recordings. Preston filed a mandamus petition but did not include the written affirmation required by the amended Public Records Act.

PROCEDURAL HISTORY

Preston filed a petition for a writ of mandamus seeking public records from the Ohio Parole Board and statutory damages. The respondent moved to dismiss. The magistrate concluded that Preston failed to comply with R.C. 149.43(C)(1) and (2), particularly the requirement to file a written affirmation with the petition. No objections were filed, and the Tenth District found no error or facial defect and adopted the magistrate's decision.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Physicians Comm't. for Responsible Medicine v. Bd. of Trustees of Ohio State Univ., 2006-Ohio-903, ¶ 6
- State ex rel. Pressley v. Indus. Comm., 11 Ohio St.2d 141 (1967)
- State ex rel. Turner v. Houk, 2007-Ohio-814, ¶ 5
- State ex rel. McCaffrey v. Mahoning Cty. Prosecutor's Office, 2012-Ohio-4246, ¶ 16
- State ex rel. Jordan v. Dept. of Rehab. & Corr., 2025-Ohio-3051, ¶ 4

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