

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

State ex rel. Wright v. Franklin Cty. Mun. Court

2026-Ohio-1626 · No. 25AP-935 · Decided May 5, 2026

SUMMARY

The Tenth District Court of Appeals of Ohio denied a writ of mandamus and granted the respondent’s Civ.R. 12(B)(6) motion to dismiss. The court adopted the magistrate’s decision, concluding that the incarcerated relator failed to comply with R.C. 2969.25(A) because his affidavit of prior civil filings was not notarized and omitted qualifying civil actions and appeals filed during the preceding five years.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Beatty Blunt, J.; Mentel, J.; Edelstein, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	May 5, 2026
DOCKET	25AP-935
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original action in mandamus on respondent's Civ.R. 12(B)(6) motion to dismiss. The court reviewed and adopted the magistrate's decision after no objections were filed.
STANDARD OF REVIEW	On a Civ.R. 12(B)(6) motion, factual allegations are presumed true and reasonable inferences are drawn in the relator's favor; dismissal is proper when it appears beyond doubt that the relator can prove no set of facts entitling the relator to relief. The court may consider the complaint, attached documents, and appropriate judicially noticeable matters.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	State ex rel. Ramone L. Wright v. State of Ohio Franklin County Municipal Court

TOPICS

- motions to dismiss
- civil procedure
- appellate procedure
- writ of certiorari
- constitutional law

PRACTICE AREAS

civil procedure

mandamus

appellate procedure

extraordinary writs

QUESTIONS PRESENTED

1. Whether Wright's failure to submit a properly executed affidavit of prior civil filings required dismissal under R.C. 2969.25(A).
2. Whether Wright's failure to identify and describe his civil actions and appeals from the preceding five years independently required dismissal under R.C. 2969.25(A).
3. Whether Wright established entitlement to a writ of mandamus.

HOLDINGS

1. An inmate's affidavit of prior civil filings is procedurally defective when it is not properly executed or notarized as required by R.C. 2969.25(A), and the defect requires dismissal of the mandamus action.
2. An inmate must strictly comply with R.C. 2969.25(A) by identifying and describing each civil action or appeal filed in the preceding five years; directing the court to search clerk websites and listing unrelated criminal cases is insufficient.
3. Wright did not establish entitlement to a writ of mandamus because his petition was procedurally defective under R.C. 2969.25(A); the writ was denied and the action dismissed.

KEY QUOTATIONS

“R.C. 2969.25 requires strict compliance.” (§ 22)

“Writ of mandamus denied; motion to dismiss granted; complaint dismissed.” (§ 4)

FACTUAL BACKGROUND

Wright, who was incarcerated in a federal correctional institution, filed an original mandamus action challenging an indictment associated with Franklin County Common Pleas case No. 09CR-3758. He submitted an affidavit of prior civil filings that was not notarized and identified only two criminal-case numbers rather than the civil actions and appeals he had filed during the preceding five years. The record and online court dockets showed that Wright had filed multiple civil actions and appeals during that period, none of which were properly described in his affidavit.

PROCEDURAL HISTORY

Wright filed a petition for a writ of mandamus seeking reversal of an indictment in Franklin County Court of Common Pleas case No. 09CR-3758. The respondent moved to dismiss under Civ.R. 12(B)(6), and the matter was referred to a magistrate. The magistrate recommended dismissal because Wright's affidavit of prior civil filings was not properly executed and failed to identify his civil actions and appeals from the prior five years. With no objections filed, the Court of Appeals adopted the magistrate's decision, denied the writ, granted the motion to dismiss, and dismissed the complaint.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Pressley v. Indus. Comm., 11 Ohio St. 2d 141 (1967)
- State ex rel. Turner v. Houk, 2007-Ohio-814, ¶ 5
- Justice v. Jefferson-Pilot Life Ins., 1998 Ohio App. LEXIS 6250 (10th Dist. Dec. 24, 1998)
- State ex rel. Hickman v. Capots, 45 Ohio St. 3d 324 (1989)
- State ex rel. Hanson v. Guernsey Cty. Bd. of Commrs., 1992-Ohio-73
- Assn. for the Defense of the Washington Local School Dist. v. Kiger, 42 Ohio St. 3d 116, 117 (1989)
- Brisk v. Draf Indus., 2012-Ohio-1311, ¶ 10 (10th Dist.)
- Park v. Acierno, 2005-Ohio-1332, ¶ 29 (7th Dist.)
- Myers v. Vandermark, 2024-Ohio-3205, ¶ 20 (7th Dist.)
- State ex rel. Nyamusevya v. Hawkins, 2020-Ohio-2690, ¶ 33
- State ex rel. Ohio Republican Party v. Fitzgerald, 2015-Ohio-5056, ¶ 18
- State ex rel. Womack v. Marsh, 2011-Ohio-229, ¶ 8
- Draughon v. Jenkins, 2016-Ohio-5364, ¶ 26 (4th Dist.)
- State ex rel. Everhart v. McIntosh, 2007-Ohio-4798, ¶¶ 8, 10
- State ex rel. Swanson v. Ohio Dept. of Rehab. & Corr., 2019-Ohio-1271, ¶ 6
- State ex rel. Washington v. Ohio Adult Parole Auth., 87 Ohio St. 3d 258 (1999)
- State ex rel. Zanders v. Ohio Parole Bd., 82 Ohio St. 3d 421 (1998)
- State ex rel. Manns v. Henson, 2008-Ohio-4478, ¶ 4
- Martin v. Ghee, 2002-Ohio-1621 (10th Dist.)
- State ex rel. Young v. Clipper, 2015-Ohio-1351, ¶ 9
- Hayes v. Sheriff, 2024-Ohio-2343, ¶ 26 (10th Dist.)
- Robinson v. State, 2021-Ohio-3865, ¶ 9