

OHIO COURT OF APPEALS, ELEVENTH APPELLATE DISTRICT

State ex rel. Rose v. Camplese

2025-Ohio-5711 · No. 2025-A-0059 · Decided December 22, 2025

SUMMARY

The Eleventh District Court of Appeals of Ohio dismissed without prejudice a petition for a writ of procedendo seeking to compel a judge to rule on a motion for appointment of counsel. The court held that the 19-day delay was not undue and that the inmate failed to comply with the filing requirements of R.C. 2969.25(C).

CASE DETAILS

COURT	Ohio Court of Appeals, Eleventh Appellate District
WRITING FOR THE COURT	Matt Lynch; John J. Eklund; Scott Lynch
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Ashtabula County
DECIDED	December 22, 2025
DOCKET	2025-A-0059
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original action for writ of procedendo; respondent's motion to dismiss under Civ.R. 12(B)(6) granted.
STANDARD OF REVIEW	De novo review of a motion to dismiss under Civ.R. 12(B)(6).
PRECEDENTIAL VALUE	published

TOPICS

- motions to dismiss
- appellate procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

- Whether a petition for writ of procedendo states a claim when filed only 19 days after the underlying motion was filed.
- Whether an inmate's petition for writ of procedendo must comply with the filing requirements of R.C. 2969.25.

HOLDINGS

1. A delay of only 19 days between filing a motion and filing a petition for procedendo is minimal and does not constitute the undue delay necessary to support issuance of the writ.
2. Compliance with the mandatory filing requirements of R.C. 2969.25 is required for an inmate filing a civil action, including a procedendo petition, and failure to comply is a proper basis for dismissal.

KEY QUOTATIONS

“As a general matter, procedendo . . . will lie when a trial court has refused to render, or unduly delayed rendering, a judgment.” (at ¶ 5)

“An action for writ of procedendo is subject to dismissal under Civil Rule 12(B)(6) ‘for failure to state a claim upon which relief can be granted . . . if, after all factual allegations are presumed true and all reasonable inferences are made in [relator’s] favor, it appears beyond doubt that he could prove no set of facts entitling him to the requested extraordinary relief in . . . procedendo.’” (at ¶ 6)

“[N]either procedendo nor mandamus will generally issue to compel a court to release its decisions promptly.” (at ¶ 7)

“These requirements are mandatory and an inmate’s failure to comply with them is a proper basis for dismissal of the action.” (at ¶ 10)

FACTUAL BACKGROUND

Relator, an inmate, filed a petition for writ of procedendo seeking to compel respondent judge to rule on relator's motion for appointment of counsel filed in a juvenile court case. Respondent moved to dismiss, arguing relator failed to state a claim because there was no refusal or undue delay in ruling. The petition was filed only 19 days after the underlying motion.

PROCEDURAL HISTORY

Relator filed a petition for writ of procedendo to compel respondent judge to rule on a motion for appointment of counsel. Respondent moved to dismiss under Civ.R. 12(B)(6). The court granted the motion and dismissed the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Reynolds v. Basinger, 2003-Ohio-3631
- State ex rel. Sherrills v. Cuyahoga Cty. Court of Common Pleas, 1995-Ohio-26
- State ex rel. Agosto v. Cuyahoga Cty. Court of Common Pleas, 2008-Ohio-4607
- State ex rel. Nalls v. Russo, 2002-Ohio-4907
- Berthelot v. Dezso, 1999-Ohio-100

- State ex rel. Dehler v. Sutula, 74 Ohio St.3d 33
- Robinson v. State, 2021-Ohio-3865
- State ex rel. Swain v. Adult Parole Auth., 2017-Ohio-9175

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