

OHIO COURT OF APPEALS, NINTH JUDICIAL DISTRICT

State ex rel. Price v. Spitler

2026-Ohio-982 · No. 25AP0060 · Decided March 23, 2026

SUMMARY

The Ninth District Court of Appeals dismissed Vincent Price’s prohibition action against Judge Corey E. Spitler. The court held that Price failed to comply with the mandatory inmate-filing requirements of R.C. 2969.25, including requirements concerning his affidavit of indigency and affidavit of prior civil actions, and that later filings could not cure the deficiencies.

CASE DETAILS

COURT	Ohio Court of Appeals, Ninth Judicial District
WRITING FOR THE COURT	Per Curiam; Scot A. Stevenson; Hensal; Sutton
JURISDICTION	Ohio Court of Appeals, Ninth Judicial District
DECIDED	March 23, 2026
DOCKET	25AP0060
DISPOSITION	dismissed
PROCEDURAL POSTURE	Original action in prohibition by an incarcerated relator seeking to prohibit a judge from resentencing him, vacate a prior sentencing judgment, and obtain an alternative writ staying the scheduled resentencing hearing.
PRECEDENTIAL VALUE	published
PARTIES	Vincent Price v. Corey E. Spitler

TOPICS

- writ of certiorari
- appellate procedure
- civil procedure
- remedies

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether an inmate's failure to comply with the mandatory filing requirements of Ohio Revised Code 2969.25 requires dismissal of an original prohibition action.

2. Whether later-filed affidavits may cure deficiencies in the inmate's filing-fee-waiver affidavit or affidavit of prior civil actions.

HOLDINGS

1. An inmate's failure to comply with the mandatory filing requirements of Ohio Revised Code 2969.25 at the commencement of the action requires dismissal.
2. An inmate may not cure noncompliance with R.C. 2969.25 by filing corrective affidavits after commencing the action.

KEY QUOTATIONS

“The requirements of R.C. 2969.25 are mandatory, and failure to comply with them subjects an inmate’s action to dismissal.” (§ 2)

“an inmate must comply with the requirements of R.C. 2969.25 at the time of filing and later filings are not permitted to correct deficiencies.” (§ 4)

FACTUAL BACKGROUND

Vincent Price, an inmate at Grafton Correctional Institution, sought prohibition against Judge Spitler to prevent a resentencing hearing and to vacate a prior sentencing judgment. Price requested a filing-fee waiver but did not provide the inmate-account balance statement or the required statement of all other cash and things of value. He also initially filed an affidavit stating that he had brought no civil actions or appeals during the prior five years, then filed a corrected affidavit identifying a prior mandamus action three days later.

PROCEDURAL HISTORY

Price filed a petition for a writ of prohibition against Judge Corey E. Spitler and sought a filing-fee waiver. He filed an affidavit of indigency that lacked the required inmate-account statement and statement of other assets, and his initial affidavit of prior civil actions falsely stated that he had filed no such actions during the preceding five years. He filed a corrective affidavit three days later, but the court held that later filings cannot cure noncompliance existing when the action was commenced and dismissed the case.

DISPOSITION

dismissed

CASES CITED

- State ex rel. Graham v. Findlay Mun. Court, 2005-Ohio-3671, ¶ 6
- State ex rel. Robinson v. Page, 2025-Ohio-623, ¶ 8
- Gilbert v. Ohio Parole Board, 2024-Ohio-3353, ¶¶ 4-5 (9th Dist.)
- State ex rel. Gordon v. Summit County Ct. of Common Pleas, 2023-Ohio-4107, ¶¶ 5-8 (9th Dist.)
- State ex rel. Wright v. Callahan, 2025-Ohio-2762, ¶ 5 (9th Dist.)
- State ex rel. Townsend v. Spatny, 2024-Ohio-5149, ¶¶ 4-6

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