

IN THE SUPREME COURT OF OHIO

IN

STATE EX. REL
ANDRE YEAGER, 432-928
P.O. Box 788
Mansfield, Ohio 44901

Relator

vs

Presiding Judge, LYNN SLABY
Ninth District Court of Appeals
161 South High Street
Akron, Ohio 44308

Respondent,

Judge BETH WHITMORE
Ninth District Court of Appeals
161 South High Street
Akron, Ohio 44308

Respondent,

Judge, DONNA CARR
Ninth District Court of Appeals
161 South High Street
Akron, Ohio 44308

Respondent.

ORIGINAL ACTION OF MANDAMUS

06-2130

MOTION FOR LEAVE OF COURT TO WAIVE
THE REQUIREMENT OF FILING AN
ELECTRONIC COPY OF ANDRE YEAGER
FIRST REQUEST FOR ADMISSIONS FOR
RESPONDENTS PRESIDING JUDGE LYNN
SLABY AND JUDGE BETH WHITMORE

Now come, Andre Yeager, herein after Relator, and would respectfully, move the Most Honorable Court to waive the requirement of Civil Rule 36(A).

Which states that an electronic copy of the request for Admission should be provided to the defendnat. Relator would ask to be allowed by this Honorable Court, to submit a written copy of said Request for Admission to Respondents Presiding Judge Lynn Slaby and Judge Beth Whitmore.

A copy of said Request for Admission has been attached, for the Court's review. A memorandum in support is incorporated herein by reference, in support of this motion. A form of order is attached here to as Exhibit C.

Respectfully submitted,
Andre Yeager
Andre yeager 432928
P.O.Box 788
Mansfield, Ohio 44901

FILED
NOV 29 2006
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

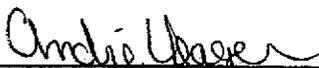
MEMORANDUM IN SUPPORT

Now comes, Andre yeager, Relator pursuant to and in accordance with Civil Rule 36(A) respectfully moves this Honorable Court for Leave to Waive the requirement of the filing of electronic copy of the Request for Admissions.

Relator relies, states and contends on the facts that he is currently incarcerated and is not permitted, pursuant to R.C. 5120.63, R.C. 5145.31, AR 5120-9-51 and Institutional Policy to access any computer, computer network, computerized formats, the internet or electronic media that would enable him to comort with this requirement of the Civil Rules of Procedure. Wherefore, based upon the afore stated facts and contentions this most Honorable Court should find the Relator has presented sufficient facts to grant this motion and waive the requirement of electronic filing of his Request for Admissions to Respondents.

Therefore, Relator prays this most Honorable Court grant this motion and waive the requirement of electronic filing of said, "Request for Admissions" and any other relief deemed proper.

Respectfully submitted,



Andre Yeager 432-928
P.O Box 788
Mansfield, Ohio 44901

CERTIFICATE OF SERVICE

1. Complaint for Writ of Mandamus-Prohibition,

Affidavit of Verity, Affidavit of Indigency

Affidavit of Relator, ANDRE YEAGER, of prior civil actions five years, Affidavit of ANDRE YEAGER, February 3, 2003, transcripts, motion to certify conflict, Journal entry to certify conflict, Joint motion for Supplemental Briefing schedule, Motion to Supplement record, certified conflict from the Court of Appeals, May 24, 2006, #06-479 Entry, In Re Motz, State v. Youngblood, State v. Stubbs, State v. Trikilis, State v. Ford, State v. Ragle, State Ex Rel. Heck v. Kessler, State v. Larkins, May 12, 2004, Decision, September 21, 2005, State v. Cline, State v. Martin, .

Motion for Leave of Court to waive the requirement of filing an electronic copy of ANDRE YEAGER, first request for Admissions for Respondents Presiding Judge Lynn Slaby, and Judge Beth Whitmore, ORDER,

2. Plaintiffs first request for Admission of civil 36(A)

Plaintiffs first request for Production of Documents, Transcripts, Sentencing Journal,

The Clerk of Ohio Supreme Court will serve all parties and proof of service will be complete.

Relator, mailed to Ohio Supreme Court on November 14, 2006, by regular mail to 65 South Front Street, Columbus, Ohio 43215-3431.

Respectfully Submitted
Andre Yeager

Certificate of Service

I hereby certify that a copy of Plaintiff's Motion For Leave of Court To Waive The Requirement of Filing an ELECTRONIC COPY OF AUDRE YEAGER First Request for Admissions For Respondents Presiding Judge Lynn Slaby and Judge Beth Whitmore was mailed on November 24, 2006 to Presiding Judge Lynn Slaby and Beth Whitmore, Judge at 161 South High Akron, Ohio 44308 by regular U.S. First Class mail.

Respectfully Submitted,

Audrie Yeager