

IN THE SUPREME COURT OF OHIO

State ex rel. Gregory T. Howard,

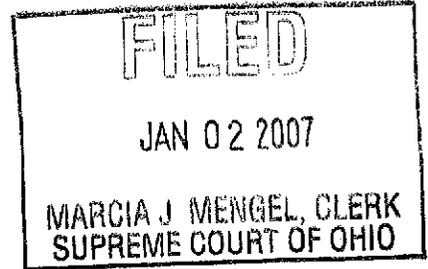
Case No. 2003-1572

Relator,

-vs-

Industrial Commission of Ohio,
et al.,

Respondents.



APPLICATION FOR LEAVE TO FILE A COMPLAINT FOR A WRIT OF
MANDAMUS

Now comes the Relator Gregory T. Howard, and hereby moves this Court for a Writ of Mandamus ordering, the Court of Appeals of Ohio Tenth Appellate District to vacate its order of December 29, 2005 denying his application and dismissing his complaint for a writ of procedendo to compel Judge Bender to proceed to judgment with respect to his applications filed in the Court of Judge Bender from 04-21-05 through 11-16-2006. (Exhibit 1).

Without subject matter jurisdiction on January 11, 2006, the Honorable John F. Bender, a judge of the Franklin County Court of Common Pleas acted in bad faith and issued an order declaring the undersigned a vexatious litigator. It should be noted that the Relator named "Judge Travis" a prior judge of that court who now sits a judge of the court of appeals as a respondent in his proposed complaint submitted with his application. It should also be noted that "Judge Klatt" a judge of the Court of Appeals signed Judge

Bender's Office of Oath. This application is not an abuse of process of this Court as the Relator has clearly demonstrated reasonable grounds for the application, Relator has a legal right to relief from the determination of the Court of Appeals and the Court of Appeals has a legal duty to provide such relief. *State ex rel. v. Indus. Comm.* (1967), 11 Ohio St 2d 141. Judge Sadler's Journal Entry of Dismissal of 12-29-2006 creates a strong appearance of impropriety. Relator has no plain and adequate remedy in the ordinary course of the law within the meaning of R.C. 2731.05.

Accordingly, for all the above documented reasons, the Relator asks that this Court issue a writ of mandamus ordering respondent Court of Appeals, to vacate its order of 12-29-2006 and in a manner consistent with R.C. 2731.11 and other applicable legal provisions and to enter a new order that adjudicates all the applications that the Relator has filed in Judge Bender's Court and to otherwise expunge his vexatious litigator status as being invalid.

Respectfully submitted,

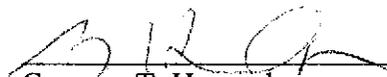


Gregory T. Howard
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(419) 450-3408

Relator, pro-se

PROOF OF SERVICE

This is to certify that a copy of the foregoing Application of Gregory T. Howard was sent via U.S. Mail this 2nd day of January, 2007 to all Respondents of Record in this action.



Gregory T. Howard
Relator, pro-se

IN THE COURT OF APPEALS OF OHIO

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State ex rel. Gregory T. Howard, :

Relator, :

v. :

No. 06AP-1222

Ohio State Supreme Court et al., :

(REGULAR CALENDAR)

Respondents. :

JOURNAL ENTRY OF DISMISSAL

On January 11, 2006, the Franklin County Court of Common Pleas, pursuant to R.C. 2323.52, declared Gregory T. Howard ("Mr. Howard") a vexatious litigator. The Honorable John F. Bender ("Judge Bender"), a judge of that court, issued the vexatious litigator judgment entry.

On December 5, 2006, Mr. Howard filed in this court an application for leave to file a complaint for a writ of procedendo to compel Judge Bender to proceed to judgment with respect to an application that Mr. Howard allegedly filed in Judge Bender's court on November 16, 2006.

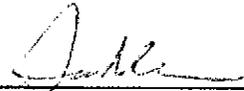
According to Mr. Howard's December 5, 2006 application, the November 16, 2006 application filed in Judge Bender's court requests leave to file a motion to vacate Judge Bender's January 11, 2006 entries. According to Mr. Howard's December 5, 2006 application, Judge Bender has failed to rule on Mr. Howard's motions and applications for leave to proceed, notwithstanding his vexatious litigator status.

This court notes that Mr. Howard named the "Ohio State Supreme Court" as respondent in his proposed complaint submitted with his application. The proposed complaint also seeks a writ of mandamus to compel Judge Bender to report to the Ohio State Bar Association alleged ethical misconduct by opposing counsel in the "underlying action."

R.C. 2323.52(F)(2) provides that a court of appeals shall not grant a person found to be a vexatious litigator leave for the institution of legal proceedings in the court of appeals unless the court of appeals is satisfied that the proceedings or application are not an abuse of process of the court and that there are reasonable grounds for the proceedings or application.

This court is not satisfied that Mr. Howard's December 5, 2006 application is not an abuse of process of this court and this court finds that relator has not demonstrated that there are reasonable grounds for the application.

Accordingly, the December 5, 2006 application is hereby denied and this matter is sua sponte dismissed.



Judge Lisa L. Sadler

Judge William A. Klatt, P.J.

Judge Alan C. Travis