

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, ex rel.,
GREGORY T. HOWARD

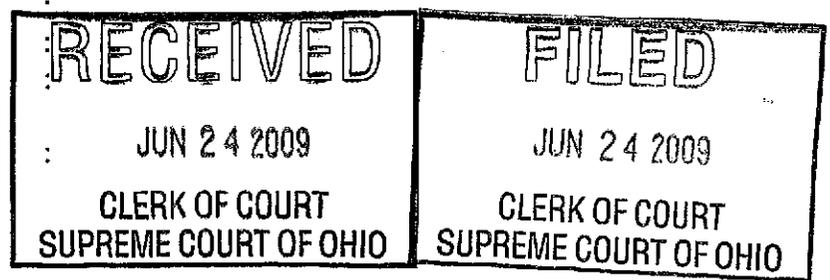
Appellant,

-vs-

SEAWAY FOOD TOWN, INC., et al.,

Appellees.

: Case No. 03-1572
: Trial Court Case No. 97AP-860
:



APPLICATION FOR LEAVE AND MOTION TO RECONSIDERATION, INSTANTER

On September 24, 2004, this Court improperly found that Appellant, Gregory T. Howard has continued to habitually, persistently, and without reasonable cause, engage in frivolous conduct, as defined by S. Ct. Prac. R. (5)(A) and to be a vexatious litigator under S. Ct. Prac. R. XIV (5)(B). This Court further ordered that Appellant was prohibited from continuing or instituting legal proceedings in the Court without obtaining leave. Also, ordered that any request for leave be submitted to the Clerk of this Court for this Court's review.

In full compliance with that decision and as a matter of right, contemporaneously herewith the Relator files this application for leave and motion to reconsideration, instanter. The Appellant asks leave to file the accompanying motion to dismiss without prepayment of costs and to proceed *informa pauperis*. The grounds for this application are that this motion has an "arguable basis either in law or in fact." See *Brown v. Bargery*, 207 F. 3d 863, 866-67 (6th Cir. 2000). This document also serves notice on this Court that the Appellant seeks appellate jurisdiction or to institute a writ of certiorari to the United States Supreme Court for review or from this Court judgment of June 23, 2009 as that term is used in 28 U.S.C. §1257.

MOTION TO RECONSIDERATION

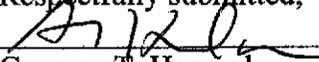
On June 23, 2009, the Court issued an Entry denying the Appellant's motion for leave to file a motion for a court hearing pursuant to Ohio Revised Code Section 3123.05. As alleged here, the State Courts of Ohio violated the Appellant's constitutional rights guaranteed in the Fourteenth Amendment of the United States Constitution and is redressable pursuant to 28 U.S.C. §1257 and *Rooker v. Fidelity Trust Company*, 263 U.S. 413 (1923); *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). (The United States Supreme Court has long held, pursuant to 28 U.S.C. §1257, that it is vested with the appellate jurisdiction to review a final judgment of a state's highest court); also see *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283 (2005). Therefore, because the Appellant has drawn into question the validity of S. Ct. Prac. R. XIV (5) and R.C. §2323.52 on the grounds of its being repugnant to the Fourteenth Amendment of the United States Constitution, the Appellant has a clear legal right to including but not limited, to access to the United States Supreme Court and the right to remedy and have reviewed the final judgments or decrees rendered by this Court by the United States Supreme Court pursuant to the provisions of 28 U.S.C. §1257.

S. Ct. Prac. R. XI (2) (A) provides that a motion for reconsideration may be filed within 10 days after the Supreme Court's judgment entry or order is filed with the Court. The Appellant asserts that he suffered prejudice because of the Court's failure to consider or fully consider his right to access the court and the right to remedy under Ohio Revised Code Section 3123.05 in violation of the Fourteenth Amendment of the United States Constitution. It is this Court's responsibility to consider or fully his motion for a court hearing pursuant to Ohio Revised Code Section 3123.05 as it relates to parental rights or other orders of the Child Support Enforcement Agency. See S. Ct. Prac. R. XI (1). To the extent, the Appellant claims that order of June 23,

2009 was or is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law as those terms are used in 5 U.S.C. §706(2)(A), and therefore, respectfully requests that the United States Supreme Court review the whole record or those parts of it cited herein by the Appellant, and that due account be taken of the prejudicial error committed herein by this Court of last resort. Appellant may invoke 28 U.S.C. §1257 as the basis for review because, as explained herein, S. Ct. Prac. R. XIV (5) and R.C. §2323.52 is repugnant to the Fourteenth Amendment of the United States Constitution, and thus, he has grounds under 28 U.S.C. §1257 for a certiorari review by the United States Supreme Court. Accordingly, 28 U.S.C. §1257 is available. For the foregoing reasons, the application for leave and motion to reconsideration, instantan must be granted as a matter of law.

Accordingly, for all of the above stated reasons the Appellant respectfully requests that this Court permit him to file instantan this application for leave and motion to reconsideration, instantan and all other just and proper relief in the premises.

Respectfully submitted,


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Relator-Appellant, Pro-se

PROOF OF SERVICE

This is to certify that a copy of the foregoing of Gregory T. Howard was sent via ordinary U.S. Mail or via facsimile this 23rd day of June, 2009 to:

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James G. Carr, Chief Judge-Faxed to 419.213.5563

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Federal Trade Commission Complaint # 10010756,10299071 & 10651814
Comptroller of the Currency #685430-(713) 336-4301

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Gregory T. Howard
Appellant-Claimant, pro-se

¹ Appellant asserts that he has a right to recover damages from any person who fails to prevent or aid in preventing any wrongs as the terms are used in 42 U.S.C. §1985 which he had knowledge were about to occur and power to prevent. 28 U.S.C. §1343(a)(2).

The Supreme Court of Ohio

FILED

JUN 23 2009

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio ex rel. Gregory T. Howard

Case No. 2003-1572

v.

ENTRY

Industrial Commission of Ohio et al.

On September 24, 2004, this Court found appellant Gregory T. Howard to be a vexatious litigator under S.Ct.Prac.R. XIV(5)(B). This Court further ordered that appellant was prohibited from continuing or instituting legal proceedings in the Court without obtaining leave. On June 18, 2009, Howard filed a motion for leave to file a motion for a court hearing pursuant to Ohio Revised Code Section 3123.05

It is ordered by the Court that the motion is denied.

(Franklin County Court of Appeals; No. 97AP860)



THOMAS J. MOYER
Chief Justice