ORIGINAL

IN THE SUPREME COURT

DAREK LATHAN
State of Ohio EX.REL.

Lucasville corr. inst
Lucasville, Oh. 45699
REALTOR

-V-

JAMES D. JENSEN
Toledo court of common Pleas
Lucas county, Oh. 43624
RESPONDENT

CASE NO: 10-0525

original action in MANDAMUS

Now comes the Realtor, DAREK LATHAN, pro-se and respectfully plea and pray this Honorable court will compel the above name Respondent to answer the motion before his docket titled "RELIEF FROM JUDGMENT civil R. 60(B)". This plea is further supported in the attach memorandum, along with judgment on pleading pursuant to Rule 12(C) of the ohio rules of civil procedure.

Respectfully Submitted
Darek Lathan

RECEIVED
JUN 08 2010
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
MAY 21 2010
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
JUN 08 2010
CLERK OF COURT
SUPREME COURT OF OHIO

MEMORANDUM

On the 22nd of MARCH 2010 Realtor filed an ORIGINAL ACTION IN MANDAMUS against Judge James D. Jensen of the Lucas County court of common pleas for failure to answer motions before his docket titled "IMMEDIATE REMAND" - "RE-SENTENCING" - "RELIEF FROM JUDGMENT CIVIL R. 60(B)." On the 26th of april 2010 the Respondent ruled on the "Resentencing" of Realtor, but still failed to rule on the most important "RELIEF FROM Judgment Civil R. 60(B)". The Respondent is well aware that once he ruled on the "Resentencing" and found Realtor sentence was in fact "VOID" since march 5th 1999. He was suppose to grant Realtor motion for Relief from Judgment Civil R. 60(B) on the erronest ruling from Respondent Dec. 2nd 2009 order stating Realtor judgment in case no: CR98-2941 was final. On the 14th of APRIL 2010, the Honorable 6th dist. court of appeals ordered the Respondent to answer all motions before his docket pertaining to case no: CR98-2941 by the 24th of April 2010 or it would SUA SPONTE grant a premportory writ. Realtor filed a final motion titled VIOLATION OF SUP. R. 40(A)(3) for not answering motions with in 120 day time frame. Realtor now PLEA and PRAY that this Honorable court will envoke its jurisdiction over Respondent to answer the "Relief from Judgment Civil R. 60(B)" filed on the 14th of DEC. 2009 by Realtor. Respondent in his resentencing of Realtor on the 19th of MAY 2010 stated he would answer the "RELIEF FROM JUDGMENT" motion when he felt it appropriate. The Respondent cannot anoint himself above SUP. R. 40(A)(3). Respondent has totally

disregarded the order of the 6th dist. court of appeal in its APRIL 14th 2010 ruling to Respondent. Realtor PLEA and PRAY that this Honorable court IMMEDIATELY compel the Respondent to answer the "Relief from JUDGMENT" motion filed by Realtor due to Respondent violation of SUP. R. 40(A)(3) of the Ohio revise code. along with judgment on pleading pursuant to Rule 12(C) of the ohio rules of civil procedure.

Respectfully Submitted
Darek Latham

Certificate of Service

I, DAREK LATHAM, certify that a true copy of this motion was sent to the Clerk of courts of the Ohio supreme court, 65 South Front St. Columbus, Oh. 43215 and Clerk of court Lucas county to serve upon Respondent, at 700 Adams St. Toledo, Oh. 43624 on this 20th day of MAY 2010.

Respectfully Submitted
Darek Latham