

ORIGINAL

Ex Rel:

Fred Billiter NO.
15708 McConelsville Rd.
Caldwell, Ohio 43724

RELATOR,

VS.

IHS, Supervisor
15708 McConelsville Rd.
Caldwell, Ohio 43724
RESPONDENT(S).

FILED
DEC 13 2010
CLERK OF COURT
SUPREME COURT OF OHIO

CASE NO. 10-2161

ORIGINAL ACTION
PURSUANT TO "ALL WRITS ACT"
28 USC 1651, 1361, RC CHAPTER
2731.

PETITION FOR WRIT OF MANDAMUS

Now comes Relator Pro se whom pursuant to law moves this Honorable Court to compel the respondant to comply with the requested and lawfully demanded act pursuant to law as attested to in the attached Memorandum in Support.

In order for a Writ of Mandamus to issue and/or be granted, it first must meet the following criteria typically recommended in order to commense a Writ of Mandamus, 1- The right to require the performance of the relief sought, 2- The respondant is under clear legal duty to perform the requested act, and 3- the Relator has no adequate available remedy at law.

THEREFORE, For the reasons set forth in the attached Memorandum in Support, This Honorable Court should GRANT review and proper relief deemed lawfully fit.

RESPECTFULLY SUBMITTED,

Fred Billiter
RELATOR PRO SE
15708 McConelsville Rd
Caldwell, Ohio 43724

RECEIVED
DEC 13 2010
CLERK OF COURT
SUPREME COURT OF OHIO

MEMORANDUM IN SUPPORT

A Writ of Mandamus WILL issue when the Petitioner can show that there is no other means "AVAILABLE" to obtain relief and that the issuance of the Writ is lawfully undisputable. Mallard v. U.S. District 490 US 296, in re: Glass workers local No. 173 983 F.2d 725 (6th Circuit 1993), AND In order for Writ to not be issued, There MUST be a adequate remedy AVAILABLE which is complete, beneficial, and speedy. R.C. 2731.05, State Ex Rel. Carter v. Schotten 637 Ne2d 306, Therefore, for the following reasons set forth in this Memorandum, This Honorable Court should grant relief.

REASON(S) FOR RELIEF SOUGHT:

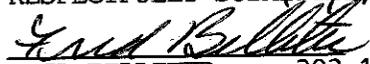
IN THE YEAR 2005 OF OCTOBER, I WAS BRUTALLY ASSAULTED IN MY CELL WHICH CAUSED ME SEVERE DAMAGE TO THE EYE SOCKET, NOSE AND CHEEK AREA, I WAS GIVEN AN EMERGENCY TRIP TO AN OUTSIDE HOSPITAL WHERE THE DOCTOR STATED THAT "YOU WILL MOST DEFFENTLY HAVE TO UNDERGO SURGERY", HOWEVER THE PRISON WOULD NOT BRING ME BACK DUE TO BEING TRANSFERRED TO NOBLE CORR. INST.

SINCE THEN I HAVE HAD SEVERE TROUBLE SLEEPING AND BREATHING APPROPRAITELY AND HAVE SOUGHT RELIEF FROM IHS (THE RESPONDENT) AND SOUGHT TO GO AHEAD AND OBTAIN THE SURGERY, HOWEVER IHS, AFTER NUMEROUS ATTEMPTS HAVE REFUSED TO ADHERE TO MY MEDICAL NEEDS LEAVING ME IN A STATE OF UNDUE DISTRESS.

IT IS THE PRISONS RESPONSIBILITY TO CARE FOR THE WELL-BEING OF MY MEDICAL NEEDS PURSUANT TO OHIO LAW CLEMENTS V. HESTON (1985) 20 OHIO APP.3d 132.

THEREFORE, I RESPECTFULLY MOVE THIS COURT TO COMPEL THE RESPONDENT TO CARE FOR MY MEDICAL NEEDS AND PLACE END TO AN UNDUE BURDEN OF ANGUISH.

RESPECTFULLY SUBMITTED


FRED BILLITER no. 383-177
15708 McCONNELSVILLE RD.
CALDWELL OHIO 43724

IN THE Ohio Supreme COURT
Franklin COUNTY, OHIO

IN RE: Billiter VS. IHS

CIVIL HISTORY & AFIDAVIT OF
INDIGENCY AND WAIVER OF FEES
(R.C. CHAP. 2965, 2323)

NOW COMES: Fred Billiter AFFIANT PRO SE WHOM FIRST BEING
DULY SWORN AND CAUTIONED ACCORDING TO LAW HEREBY DECLARES, 1- I AM WHOM I SAY I AM,
2- I AM A PARTY IN THIS ACTION, 3- I SEEK A WAIVER OF FEES AND COSTS ASSESSED BY THIS
COURT IN THIS ACTION DUE TO MY INDIGENT STATE, AND 4- I HAVE PREVIOUSLY FILED THE
FOLLOWING CIVIL ACTIONS WHICH HAVE BEEN DEEMED FRIVOLOUS OR MALICE TOTALING: 0 :

1- CASE NO. _____ FILED: KA, DISPOSITION: _____
CASE TITLE: _____
2- CASE NO. _____ FILED: _____, DISPOSITION: _____
CASE TITLE: _____

((USE ADDITIONAL SHEETS IF NEEDED))

I, THE UNDERSIGNED AM A TRUE PAUPER IN THE TRUE SPIRIT OF R.C.2323.20, 31
AND PURSUANT TO FEDERAL LAW AND I POSSESS NO SUFFICIENT FUNDS, PROPERTY, NOR CHATTEL
TO OFFER AS SECURITY TO THE COSTS AND FEES RELATED TO AND IN THIS ACTION.

I, DO DECLARE THAT ALL THE ABOVE IS TRUE TO THE VERY BEST OF MY PERSONAL
KNOWLEDGE AND UNDERSTANDING.

Fred Billiter
AFFIANT PRO SE

SWORN AND SUBSCRIBED BEFORE ME THIS 7 DAY OF Dec., 2010

Deborah King
NOTARY PUBLIC

SEAL:



DEBORAH L. KING
Notary Public, State of Ohio
My Commission Expires

2-12-14

Attachment not scanned

CERTIFICATE OF SERVICE

I hereby state that a true copy of the accompanied Petition for Writ of Mandamus w/ attachments was forward to the Supreme Court ~~County~~ Clerk of Courts this 8 Day of Dec, 2010 by United States Mail services along with a Praecipe/Summons for the Clerk of Court to properly execute true copies to all parties herein.

RESPECTFULLY SUBMITTED,

Erin Bell
RELATOR PRO SE

NOTE: ALL IN COMPLIANCE WITH THE HOLDINGS OF THE OHIO SUPREME COURT IN STATE EX REL. ALFORD V. WINTERS 685 Ne2d 1242 (1999).