

are contrary to the laws of the State of Ohio and the Constitution of the United States. Defendant's actions are biased and are working only for the opposition "(the State of Ohio)" by trying to dismiss the case at bar "(Writ of Habeas Corpus)" without any law and is becoming a participant along with the State of Ohio's (prosecutor) in CONSPIRACY TO KIDNAP as stated in O.R.C. §2905.01 (5).

This Petition is based on the Defendant being in conflict with the laws and the Court's own contrary ruling and dismissal of all claims with prejudice. Defendant's using his authority to hinder, impede and obstruct a function of government by forcing an action and concession on the part of government authority. This becomes a very clear case of kidnaping or assisting in a kidnaping. See: O.R.C. §2905.01 (5).

Petitioner maintains the Defendant has, through a deficient performance, caused prejudice to the Petitioner's case at bar. The Defendant has acted in bad faith and obstructed a function of governmental authority, "(Due Process)".

STANDARDS FOR GRANTING A WRIT OF PROCEDENDO

- (4) The Petitioner must have a clear legal right to have his Writ of Habeas Corpus Hearing according to the laws of the State of Ohio and the United States Constitution. There has been no ruling on the merits, and the Defendant has not showed any evidence that the Petitioner's Writ of Habeas Corpus has been heard on its merits as to a

(Court Journal) or any other noting by law.

- (5) The Defendant has a clear legal duty to render judgment on Petitioner's Writ of Habeas Corpus. This Court has stated over six times that this Court has no jurisdiction to render judgment on Petitioner's Writ of Habeas Corpus, (Supreme Court of Ohio), and while the Defendant has the jurisdiction and the law to render judgment, the Defendant acts contrary to the law and dismisses Petitioner's Writ of Habeas Corpus with prejudice thereby acting without the color of State Law.
- (6) That there is no other adequate remedy in the ordinary course of the law in this instant case. See: Paul S. Henderson vs. Mare Houk, Warden L.O.R.C.I. Eighth App. Dist. No.: 94254 December 7, 2009, "(The Civil Rules governing this procedure)".
- (7) The Defendant has given a ruling on Petitioner's Writ of Habeas Corpus. The ruling is contrary to the law. The Petitioner has also filed a Petition for Reconsideration where he has also attached all the documents that the Defendant has stated the Petitioner failed to file with the case. As stated in Tingler vs. Marshall, Sixth Circuit, cited as: 716 F.2d 1109, 37 Fed.R.Serv.2d 934, the Petitioner has a clear and legal right to be granted his Writ of Habeas Corpus. See: Rodriguez vs. City of Cleveland, 719 F.Supp.2d 461, and Exhibits (A) and (B) attached hereto.
- (8) The Writ of Habeas Corpus by the Petitioner has not been

heard or reviewed by the Defendant's Court. Therefore, it is improper misuse of authority to issue forth an order for such strikes and/or denial with prejudice for any other court in the State of Ohio.

- (9) The Defendant is refusing to render judgment on Petitioner's Writ of Habeas Corpus, and Defendant is clearly acting contrary to the law when dismissing the Petitioner's Writ of Habeas Corpus. Therefore the Defendant is denying Petitioner's right to Due Process of the Law.

The words "Due Process of Law" when applied to judicial proceedings mean: A course of legal proceedings, according to those rules and principles which have been established in our system of jurisprudence, for the protection and enforcement of private rights. See: Pennoyer vs. Neff, 95 U.S. 714, 733, 24 L.Ed. 565-572, Scott vs. McNeal, 154 U.S. 34, 46 [14 S.Ct. 1103, 1112] 38 L.Ed. 396, 901 14 S.Ct. Rep. 1103. These cases require a proceeding which observes the general rules thus established, and they follow forms of law appropriate to the case, and they are just to the parties affected. Whenever it is necessary, for the (protection of the parties), these cases gives them an opportunity to be heard respecting the justice of the judgment sought.

Petitioner here seeks only a prompt hearing on his Writ of Habeas Corpus claims before his interest in Civil Rights are completely extinguished by the Defendant through dismissal of all claims with prejudice.

Petitioner states that the Defendant is acting contrary to the law and can not be assessed in this matter as a matter of the Petitioner's State Statutory and Federal Constitutional Rights as sought for this Court.

CLOSING SUMMATION

In order for a Writ of Procedendo to issue forth the Petitioner must demonstrate:

- (1) That he/she has a clear legal right to the relief prayed for [w]hen there is a genuine issue of material facts that can be proven by a preponderance of the evidence. See: Exhibit A, B and the case of Rodriguez vs. City of Cleveland, 619 F.Supp.2d 461;
- (2) That the Defendant is under a clear legal duty to perform the acts [w]hen the Petitioner is entitled to a Writ of Procedendo,
- (3) That this Petitioner has no plain and adequate legal remedy in the ordinary course of the law. When reasonable means can come to but one conclusion and that conclusion is against the Defendant against whom the Writ of Procedendo is filed,
- (4) Where the facts support the Petitioner's contention the evidence must thereby be construed most strongly in favor of the Petitioner. Petitioner maintains that he did file with his Writ of Habeas Corpus an Affidavit of Indigency, in compliance with O.R.C. §2969.25 and §2969.25 (C) along with a Certified Statement from the prison's cashier setting forth the balance in the inmates private account

for each of the proceedings six months with the Court only and not with the Defendant in his Writ of Habeas Corpus, and the Defendant needs to state so in this issue. See: Barnes, 169 527 N.E.2d 1335 Ct.App. 1st Dist. (1990), Griffin, 576 N.E.2d 825 (1991) id. at 544-545, 668 N.E.2d at 803 (1996), and Cincinnati City Counsel, 739 N.E.2d 337 (Court Ohio App. 1st Dist. 2000). All cases are listed as authority in support of this cause of action.

CONCLUSION

Wherefore, and for the aforementioned reasons, the Petitioner's Writ of Procedendo should be considered in a manner prescribed by state statutory and federal constitutional law. Accepted by state statutory and federal constitutional law. Accepted in good faith, well taken, sustained and granted by this Court as a matter of state statutory and federal constitutional law as presented in this Writ of Procedendo and Writ of Habeas Corpus issuing an order ordering the Defendant to grant the Petitioner's Writ of Habeas Corpus.

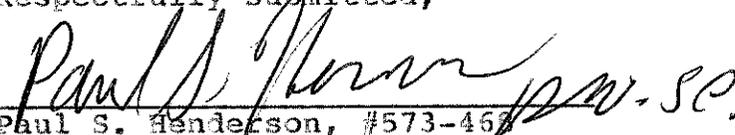
For Petitioner has shown the Court that he is entitled to release and the relief stated in his Writ of Habeas Corpus. And/or order the Defendant to immediately order the Petitioner to be released and reinstate Petitioner's Writ of Habeas Corpus on Case No.: 10-CV-1003 in the Marion County Common Pleas Court.

Defendant Judge William R. Finnegan to be ordered to be permanently enjoined from issuing and entering judgment Writ of Execution on Petitioner's Writ of Habeas Corpus without contemporaneously advising Petitioner and allowing him to be

heard as prescribed by law.

The Petitioner now prays that this Honorable Court will grant his Petition for Writ of Habeas Corpus and order his immediate release.

Respectfully submitted,


Paul S. Henderson, #573-467
Petitioner-Relator, Pro'se
Marion Correctional Institution
P.O. Box 57
Marion, Ohio 43301-0057

CERTIFICATE OF SERVICE

I, Paul S. Henderson, hereby certify that the original along with photocopies have been forwarded by regular U.S. Mail to the following parties and/or their attorneys. A copy of the Petitioner's Certified Mail Request pursuant to Civ.R. 1.4 attached to this Writ of Procedendo to wit:

To: Clerk of Courts Office
Court of Common Pleas
Civil Division,
100 North Main Street
Marion, Ohio 43302

and;

Judge William R. Finnegan
Court of Common Pleas
100 North Main Street
Marion, Ohio 43301

this 13 day of January, 2011.


Paul S. Henderson

Exhibit A

IN THE COURT OF COMMON PLEAS
MARION COUNTY, OHIO

STATE OF OHIO,

~~Plaintiff-Respondent,~~
Defendant-Respondent,

Case No.

VS.

PAUL S. HENDERSON,

~~Defendant-Petitioner,~~
Relator-Petitioner,

AFFIDAVIT OF INDIGENCY

I, Paul S. Henderson hereby solemnly swear that I have presently this 12 day of October, 2010, no means of financial support and no assets of any value and therefore, cannot afford to pay for any legal services, fees or costs in the above styled case.

x Paul S. Henderson

DEFENDANT-PETITIONER, Pro-Se

573-468

Marion Corr Institution

P.O. BOX 57

MARION, OHIO 43301-0057

Sworn to and subscribed in my presence this 12th Day of October 2010.

Thomas J. King

NOTARY PUBLIC



THOMAS J. KING

NOTARY PUBLIC
STATE OF OHIO

My Commission
Expires

November 15, 2014

Exhibit A

12/07/2010

Marion Correctional Institution

Inmate Demand Statement

Inmate Name: HENDERSON, PAUL

Number: A573468

Lock Location: MCI,MA,C,,31

Date Range: 01/01/2010 Through 12/07/2010

Beginning Account Balances:

Ending Account Balances:

	Saving	Debt	Payable
Medical Co-Pay	\$0.00	(\$6.57)	\$0.00
Court Costs	\$0.00	\$0.00	\$0.00
Pos Exemption	\$0.00	\$0.00	\$0.00
Begin Totals	\$0.00	(\$6.57)	\$0.00

	Saving	Debt	Payable
Medical Co-Paymen	\$0.00	\$0.00	\$0.00
Court Costs	\$0.00	(\$15,253.90)	\$0.00
Pos Exemption	\$7.94	\$0.00	\$0.00
End Totals	\$7.94	(\$15,253.90)	\$0.00

Transaction Date	Transaction Amount	Description	Comment	Saving Balance	Debt Balance	Payable Balance
01/01/2010		\$15.00 Reservation to Pos Exemption	Odr: Pos Exemption	\$0.00	(\$6.57)	\$0.00
01/08/2010	\$20.00	State Pay	State Pay	\$15.00	(\$1.57)	\$5.00
01/11/2010	(\$1.90)	Postage Charges (USPS)		\$13.10	(\$1.57)	\$5.00
01/11/2010	(\$0.44)	Postage Charges (USPS)		\$12.66	(\$1.57)	\$5.00
01/11/2010	(\$1.90)	Postage Charges (USPS)		\$10.76	(\$1.57)	\$5.00
01/11/2010	(\$2.75)	Postage Charges (USPS)		\$8.01	(\$1.57)	\$5.00
01/11/2010	(\$0.17)	Postage Charges (USPS)		\$7.84	(\$1.57)	\$5.00
01/15/2010	(\$0.50)	Copy Charges		\$7.34	(\$1.57)	\$5.00
01/15/2010	(\$0.80)	Copy Charges		\$6.54	(\$1.57)	\$5.00
01/15/2010	(\$0.50)	Copy Charges		\$6.04	(\$1.57)	\$5.00
01/15/2010	(\$0.60)	Copy Charges		\$5.44	(\$1.57)	\$5.00
01/15/2010	(\$5.00)	Copy Charges		\$0.44	(\$1.57)	\$5.00
01/29/2010	(\$5,461.02)	Court Costs		\$0.44	(\$5,462.59)	\$5.00
02/01/2010		\$14.56 Reservation to Pos Exemption	Odr: Pos Exemption	\$0.44	(\$5,462.59)	\$5.00
02/08/2010	(\$5.00)	Payment to GRF Medical Co-Pay Fund	Jan '10 pmts	\$0.44	(\$5,462.59)	\$0.00
03/01/2010		\$14.56 Reservation to Pos Exemption	Odr: Pos Exemption	\$0.44	(\$5,462.59)	\$0.00
04/01/2010		\$14.56 Reservation to Pos Exemption	Odr: Pos Exemption	\$0.44	(\$5,462.59)	\$0.00
05/01/2010		\$14.56 Reservation to Pos Exemption	Odr: Pos Exemption	\$0.44	(\$5,462.59)	\$0.00
06/01/2010		\$14.56 Reservation to Pos Exemption	Odr: Pos Exemption	\$0.44	(\$5,462.59)	\$0.00
07/01/2010		\$14.56 Reservation to Pos Exemption	Odr: Pos Exemption	\$0.44	(\$5,462.59)	\$0.00
07/09/2010	\$5.00	State Pay	State Pay	\$5.44	(\$5,462.59)	\$0.00
07/09/2010	(\$1.25)	Copy Charges		\$4.19	(\$5,462.59)	\$0.00

EXhibit (A)

07/09/2010	(\$3.00) Copy Charges		\$1.19 (\$5,462.59)	\$0.00
07/09/2010	(\$0.80) Copy Charges		\$0.39 (\$5,462.59)	\$0.00
07/09/2010	(\$1.50) Copy Charges		(\$1.11) (\$5,462.59)	\$0.00
07/09/2010	(\$0.50) Copy Charges		(\$1.61) (\$5,462.59)	\$0.00
07/12/2010	\$1.25 Reversed Copy Charges	Reversed Task No. 19942161	(\$0.36) (\$5,462.59)	\$0.00
07/12/2010	\$3.00 Reversed Copy Charges	Reversed Task No. 19942163	\$2.64 (\$5,462.59)	\$0.00
07/12/2010	\$0.80 Reversed Copy Charges	Reversed Task No. 19942164	\$3.44 (\$5,462.59)	\$0.00
07/12/2010	\$1.50 Reversed Copy Charges	Reversed Task No. 19942166	\$4.94 (\$5,462.59)	\$0.00
07/12/2010	\$0.50 Reversed Copy Charges	Reversed Task No. 19942167	\$5.44 (\$5,462.59)	\$0.00
07/12/2010	(\$1.73) Postage Charges (USPS)		\$3.71 (\$5,462.59)	\$0.00
07/14/2010	(\$3.55) Commissary Sale	Ticket Number 78189	\$0.16 (\$5,462.59)	\$0.00
08/01/2010	\$13.11 Reservation to Pos Exemption	Odrc Pos Exemption	\$0.16 (\$5,462.59)	\$0.00
08/02/2010	\$37.59 County Checks	cu yahoga co so	\$15.00 (\$5,439.84)	\$22.75
08/02/2010	(\$1.39) Postage Charges (USPS)		\$13.61 (\$5,439.84)	\$22.75
08/02/2010	(\$1.73) Postage Charges (USPS)		\$11.88 (\$5,439.84)	\$22.75
08/02/2010	(\$1.73) Postage Charges (USPS)		\$10.15 (\$5,439.84)	\$22.75
08/02/2010	(\$1.57) Payment to MTC Medical	July, 2010 pmts	\$10.15 (\$5,439.84)	\$21.18
08/04/2010	(\$9.91) Commissary Sale	Ticket Number 79428	\$0.24 (\$5,439.84)	\$21.18
08/06/2010	\$21.50 State Pay	State Pay	\$0.24 (\$5,416.34)	\$42.68
08/06/2010	\$160.00 Money Order	8-3	\$0.24 (\$5,258.34)	\$202.68
08/13/2010	(\$202.68) Payment to CUYAHOGA COUNTY CLERK OF COURTS	Cl Pmts for July 2010	\$0.24 (\$5,258.34)	\$0.00
08/16/2010	(\$10,072.54) Court Costs		\$0.24(\$15,330.88)	\$0.00
08/27/2010	\$15.00 Direct - Advance Pay	ADVT from NCCTF	\$15.24(\$15,330.88)	\$0.00
08/27/2010	(\$4.95) Postage Charges (USPS)		\$10.29(\$15,330.88)	\$0.00
08/27/2010	(\$1.29) Postage Charges (USPS)		\$9.00(\$15,330.88)	\$0.00
08/27/2010	(\$1.29) Postage Charges (USPS)		\$7.71(\$15,330.88)	\$0.00
08/31/2010	(\$7.64) Commissary Sale	Ticket Number 185874	\$0.07(\$15,330.88)	\$0.00
09/01/2010	\$0.00 \$15.00 Reservation to Pos Exemption	Odrc Pos Exemption	\$0.07(\$15,330.88)	\$0.00
09/14/2010	(\$2.00) Medical Co-Payment	09/08/10	\$0.07(\$15,332.81)	\$0.00
09/24/2010	\$15.00 Money Order	BROWN, LINDA	\$15.00(\$15,332.81)	\$0.07
09/27/2010	(\$0.17) Postage Charges (USPS)		\$4.83(\$15,332.81)	\$0.07
09/27/2010	(\$2.58) Postage Charges (USPS)		\$12.25(\$15,332.81)	\$0.07
09/27/2010	(\$4.80) Postage Charges (USPS)		\$7.45(\$15,332.81)	\$0.07
09/30/2010	(\$0.17) Postage Charges (USPS)		\$7.28(\$15,332.81)	\$0.07

Exhibit (A)

10/01/2010	\$7.72 Reservation to Pos Exemption	Cdr's Pos Exemption	\$7.28(\$15,332.81)	\$0.07
10/01/2010	(\$7.15) Commissary Sale	Ticket Number 170995	\$0.13(\$15,332.81)	\$0.07
10/01/2010	(\$0.07) Payment to Medical Co-Pay Fund		\$0.13(\$15,332.81)	\$0.00
10/04/2010	(\$2.00) Medical Co-Payment	10/01/10	\$0.13(\$15,334.81)	\$0.00
10/08/2010	\$15.50 State Pay	State Pay	\$7.85(\$15,327.03)	\$7.78
10/12/2010	(\$3.85) Payment to CUYAHOGA COUNTY CLERK OF COURTS		\$7.85(\$15,327.03)	\$3.93
10/14/2010	(\$1.90) Postage Charges (USPS)		\$5.95(\$15,327.03)	\$3.93
10/15/2010	(\$5.82) Commissary Sale	Ticket Number 172510	\$0.13(\$15,327.03)	\$3.93
10/18/2010	\$15.00 Money Order	BROWN, LINDA	\$0.13(\$15,312.03)	\$18.93
11/01/2010	\$14.87 Reservation to Pos Exemption	Cdr's Pos Exemption	\$0.13(\$15,312.03)	\$18.93
11/01/2010	(\$3.93) Payment to Medical Co-Pay Fund		\$0.13(\$15,312.03)	\$15.00
11/05/2010	\$19.00 State Pay	State Pay	\$15.00(\$15,307.90)	\$19.13
11/08/2010	(\$19.13) Payment to CUYAHOGA COUNTY CLERK OF COURTS		\$15.00(\$15,307.90)	\$0.00
11/08/2010	(\$1.90) Postage Charges (USPS)		\$13.10(\$15,307.90)	\$0.00
11/08/2010	(\$1.56) Postage Charges (USPS)		\$11.54(\$15,307.90)	\$0.00
11/08/2010	(\$2.41) Postage Charges (USPS)		\$9.13(\$15,307.90)	\$0.00
11/10/2010	(\$1.73) Postage Charges (USPS)		\$7.40(\$15,307.90)	\$0.00
11/10/2010	(\$1.22) Postage Charges (USPS)		\$6.18(\$15,307.90)	\$0.00
11/17/2010	(\$6.18) Commissary Sale	Ticket Number 176691	\$0.00(\$15,307.90)	\$0.00
11/23/2010	\$50.00 Money Order	HENDERSON, DAVID	\$0.00(\$15,257.90)	\$50.00
12/01/2010	\$15.00 Reservation to Pos Exemption	Cdr's Pos Exemption	\$0.00(\$15,257.90)	\$50.00
12/03/2010	\$19.00 State Pay	State Pay	\$ 5.00(\$15,257.90)	\$54.00
12/06/2010	(\$5.50) Club Sales	RED CROSS PHOTOS	\$9.50(\$15,253.90)	\$54.00
12/06/2010	(\$54.00) Payment to CUYAHOGA COUNTY CLERK OF COURTS		\$9.50(\$15,253.90)	\$0.00
12/06/2010	(\$0.17) Postage Charges (USPS)	LEGAL	\$9.33(\$15,253.90)	\$0.00
12/06/2010	(\$0.34) Postage Charges (USPS)	LEGAL	\$8.99(\$15,253.90)	\$0.00
12/06/2010	(\$1.05) Postage Charges (USPS)		\$7.94(\$15,253.90)	\$0.00

Outstanding Debts:

Start Date	Description	Case	Agency	County	Total Debt	Paid to Date	Balance Owed
08/16/2010	Court Costs	CR09530899 A	CUYAHOGA COUNTY CLERK OF COURTS		\$10,072.54	\$0.00	(\$10,072.54)

Exhibit A

01/29/2010 Court Costs

CR09520709 CUYAHOGA
A COUNTY CLERK OF
COURTS

\$5,461.02

\$279.66 (\$5,181.36)

Total Outstanding Case Balances	(\$15,253.90)
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Outstanding Holds:

Start Date	Description	Case	Agency	County	Total Debt	Paid to Date	Balance Owed
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Total Outstanding Case Holds	\$0.00
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Outstanding Investments / EPC:

Investment Type	Investment Type Description	Invest Company	Company Description	Balance
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Exhibit (A)

1. State ex rel. Henderson v. Saffold,
126 Ohio St.3d 1509, 930 N.E.2d 329 (Table), 2010 -Ohio- 3331, Ohio,
July 21, 2010 (NO. 2010-0929)

... (The decision of the Court is referenced in the North Eastern Reporter
in a table captioned "Supreme Court....."

2. Henderson v. Saffold,
126 Ohio St.3d 1510, 930 N.E.2d 329 (Table), 2010 -Ohio- 3331, Ohio,
July 21, 2010 (NO. 2010-1024)

... (The decision of the Court is referenced in the North Eastern Reporter
in a table captioned "Supreme Court....."

3. Henderson v. Saffold,
Slip Copy, 2010 WL 2332989, 2010 -Ohio- 2609, Ohio App. 8 Dist.,
June 08, 2010 (NO. 94769)

... CHECK OHIO SUPREME COURT RULES FOR REPORTING OF
OPINIONS AND WEIGHT OF LEGAL AUTHORITY. This.....

4. Henderson v. Saffold,
Slip Copy, 2010 WL 569906, 2010 -Ohio- 536, Ohio App. 8 Dist.,
February 17, 2010 (NO. 94581)

... CHECK OHIO SUPREME COURT RULES FOR REPORTING OF
OPINIONS AND WEIGHT OF LEGAL AUTHORITY. This.....

5. Henderson v. Houk,
Slip Copy, 2010 WL 376778, 2010 -Ohio- 368, Ohio App. 8 Dist.,
February 02, 2010 (NO. 94426)

...two original actions in this court prior to commencing this action:
Cuyahoga App. No. 94254, 2009-Ohio-6475, supra; and Henderson v.
Saffold, Cuyahoga App. No. 93349, 2009-Ohio-4028 The petition is not,
however, supported with an R.C. 2969.25 (A) affidavit.....

6. Henderson v. Saffold,
Slip Copy, 2009 WL 2462352, 2009 -Ohio- 4028, Ohio App. 8 Dist.,
August 12, 2009 (NO. 93449)

Exhibit (A)

... CHECK OHIO SUPREME COURT RULES FOR REPORTING OF OPINIONS AND WEIGHT OF LEGAL AUTHORITY. This.....

7. Henderson v. Saffold,

Slip Copy, 2010 WL 3069410, N.D. Ohio, August 02, 2010 (NO. 1:10CV1190)

... Only the Westlaw citation is currently available. This decision was reviewed by West editorial staff and not assigned.....

Henderson v. Santiago, Warden
Case Nos 2010-1691, December 1, 2010
Supreme Court of Ohio

Case: sua sponte, that this case is dismissed,
and the MOTION for default judgment is Denied
as Moot.


PAUL S. HENDERSON 573468

Sworn to, or affirmed, and subscribed
in my presence this 12th day of
October, 2010.



Thomas J. King
THOMAS J. KING
NOTARY PUBLIC
STATE OF OHIO
My Commission
Expires
November 15, 2014

Thomas J. King
Notary Public

Exhibit (B)

IN THE COURT OF COMMON PLEAS FOR MARION COUNTY, OHIO
GENERAL DIVISION
MARION CO. OHIO

PAUL S. HENDERSON #573-468 1:38 *

Case No. 10CV1003

JULIE M. KAGEL *
CLERK OF COURTS *
Petitioner, *

Judge William R. Finnegan

vs. *

JUDGMENT ENTRY
OF DISMISSAL

MARGARET BEIGHTLER, WARDEN *
Marion Correctional Institution, *

RESPONDENT.

This day this case came on before the Court upon consideration of the Emergency Writ of Habeas Corpus filed by the Petitioner.

For the reasons stated in the accompanying Ruling on Emergency Writ of Habeas Corpus, it is the Judgment and Order of the Court that the Petition of Petitioner Paul S. Henderson, No. 573-468, against Margaret Beightler, Warden, Marion Correctional Institution, is hereby dismissed with prejudice.

Court costs are to be paid by the Petitioner.

TO THE CLERK: Pursuant to Civil Rule 58(B), the Clerk is directed to serve upon the parties a notice of the filing of this Judgment entry and of the date of entry upon the Journal.

William R. Finnegan
JUDGE WILLIAM R. FINNEGAN

c: Paul S. Henderson #573-468, Petitioner
MCI, POB 57, Marion, OH 43301-0057
Margaret A. Beightler, Warden and Ohio Adult Parole Authority
Marion Correctional Institution, Respondent
940 Marion Williamsport Rd., Marion, OH 43301-0057

EXHIBIT (B)

IN THE COURT OF COMMON PLEAS FOR MARION COUNTY, OHIO
GENERAL DIVISION

COMMON PLEAS COURT
PAUL S. HENDERSON, #573-468, MARION CO. Case No. 10CV1003

2011 JAN -4 PM 1:30 Judge William R. Finnegan

Petitioner,
vs.

JULIE M. KAGEL
CLERK OF COURTS
RULING ON EMERGENCY
WRIT OF HABEAS CORPUS

MARGARET BEIGHTLER, WARDEN *
Marion Correctional Institution,

RESPONDENT.

This day this cause came on before the Court upon the Emergency Writ of Habeas Corpus filed by the Petitioner.

Upon consideration, the Court notes that this is the fourth Writ of Habeas Corpus which has been filed by the Petitioner. See Henderson v. Shaeffer, 2010-Ohio-915 (Cuyahoga App.), Henderson v. Saffold, 126 Ohio St. 3d 1510, 2010-Ohio-3331, and Henderson v Santiago, 2010-Ohio-5762 (Ohio Supreme Court).

The claims raised in the case pending this Court were previously raised in the earlier filings of the Petitioner in other courts.

In all three of these previously mentioned cases, the Petitioner request for a Writ of Habeas Corpus were denied. These decisions were decisions on the merits.

Res judicata bars a defendant from filing a successive habeas corpus decision insofar as he raises claims that he either raised or could have raised in his previous petition. Mubashir v Sheldon, 2010-Ohio-4808 (Marion App.)

The Petitioner's claims are barred by res judicata.

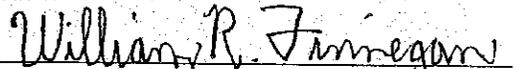
The Court further notes that the Defendant has failed to pay the filing fee along with his Petition, and has not file an affidavit of indigency in compliance with Ohio Revised Code 2969.25.

Noncompliance with R.C. 2969.25(C) which requires the filing of a certified statement from the prison cashier setting forth the balance in an inmate's private account for each of the preceding six months, is reason to deny the writ, deny indigency status, and assess cost against the petitioner. Henderson v Saffold, 2010-Ohio-2609 (Cuyahoga App.)

Exhibit (B)

Failing to pay the filing fee without filing an Affidavit in compliance with Ohio Revised Code Section 2969.25 ascertaining indigent status warrants dismissal. Henderson v Beightler, Marion County Common Pleas Court Unreported Case No. 10CV794 (2010).

For all of the above-stated reasons, the Court finds the Emergency Writ of Habeas Corpus not well-taken and the Request for Writ will be denied.


JUDGE WILLIAM R. FINNEGAN

c : Paul S. Henderson #573-468, Petitioner
MCI, POB 57, Marion, OH 43301-0057
Margaret A. Beightler, Warden and Ohio Adult Parole Authority
Marion Correctional Institution, Respondent
940 Marion Williamsport Rd., Marion, OH 43301-0057