

ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO ex rel.
RONALD BLOODWORTH-#366-695
TOLEDO CORRECTIONAL INSTITUTION
2001 East Central Avenue
P.O. Box 80033
Toledo, Ohio 43608

CASE NO. 12-1027

Relator

COMPLAINT FOR WRIT OF MANDAMUS
(VERIFIED)

V.

FRANKLIN COUNTY COURT OF APPEALS,
TENTH APPELLATE DISTRICT
373 South High Street, 23rd Floor
Columbus, Ohio 43215

FILED
JUN 14 2012
CLERK OF COURT
SUPREME COURT OF OHIO

Respondent

INTRODUCTION:

RONALD BLOODWORTH(referred to herein as "Relator"), proceeding pro se, pursuant to Sup.Ct.Prac.R. X, asks this Court for a Writ of Mandamus directing the Respondent Franklin County Court of Appeals("CA") to rule on a pending Application for Leave to Proceed under R.C.§2323.52(F)(2)("APPLICATION") filed on January 26, 2012.

1. By DECISION dated October 31, 2011, the Franklin County Court of Common Pleas' judgement found Relator to be a vexatious litigator, pursuant to R.C.2323.52 as a result of Summary Judgement Motions filed by all parties, including relator.

2. Relator is an inmate in the lawful custody and control of the Department of Rehabilitation and Correction(DRC) pursuant to R.C.5120.16 incarcerated at the Toledo Correctional Institution(TOCI), in Toledo, Ohio.

3. Relator is a party to Case No.12API-01-0064(underlying case), a case filed by relator in the Ohio Court of Claims on October 3, 2011, captioned Case No.2011-11564 against the Department of Rehabilitation and Correction(DRC), as a pro se litigant.

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CLERK OF COURT

4. CA is the Appellate Court of Franklin County, Ohio established pursuant to R.C.2501⁰¹(J) and with jurisdiction established pursuant to R.C.2501.02 and R.C.2323.52(F)(2).

5. This court has original jurisdiction over petitions for Writs of Mandamus(R.C.2731.02) and (Art. IV, Sec. 2 of the Ohio Constitution).

6. In his Application filed in the underlying case(attached hereto as Exhibit "A"), the Relator alleges that there is a need for resolution of a dispute regarding the Court of Claims of Ohio's dismissal of the action for its lack of subject matter jurisdiction over what it terms an action based on denial of access to court allegations.

7. The Respondent refuses to rule on the ^{application} ~~motion~~.

8. Relator has a clear right to require CA to rule on his Application pursuant to R.C.2323.52(F)(2), and it is apparent that CA can give no valid excuse for failing to do so; therefore, pursuant to R.C.2731.06, this court, in the first instance, may allow a Writ of Mandamus to issue.

9. The Respondent has a duty to rule upon the application pursuant to Civil Rule 3.

10. For a remedy at law to be adequate, the remedy should be complete in its nature, beneficial and speedy. STATE ex re]. LIBERTY MILLS, INC., V. LOCKER(1986), 22 OhioSt.3d 102.

11. Relator has no plain and adequate remedy in the ordinary course of law except to seek a writ of mandamus, as he will be forced to sit by idle, and in limbo anticipating the ruling that will never be made in contravention of the legislative purpose of R.C.2323.52.

12. To force relator to continue to endure the the everlasting "waiting game" for the respondent to rule on his application after an already extensive lapse of almost four months is neither a complete, nor beneficial

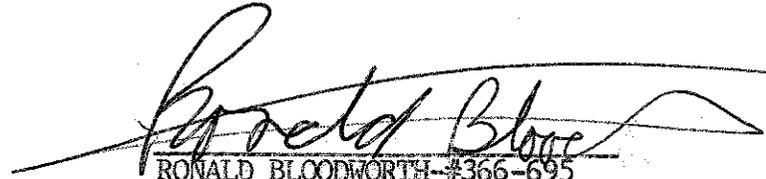
nor speedy remedy, nor is it an adequate remedy at law.

WHEREFORE,

A. Relator prays for a writ of mandamus to issue compelling respondent to rule on the application at issue.

B. Relator prays for such further and other relief as this court deems appropriate.

Respectfully submitted,



RONALD BLOODWORTH-#366-695
TOLEDO CORRECTIONAL INSTITUTION
2001 East Central Avenue
P.O. Box 80033
Toledo, Ohio 43608

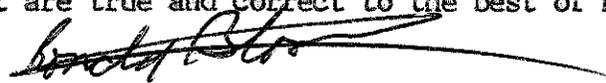
RELATOR, PRO SE

STATE OF OHIO)

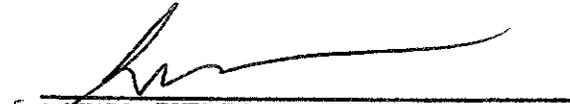
) SS: RONALD BLOODWORTH-#366-695

COUNTY OF LUCAS)

VERIFICATION OF FACTS

After first being duly sworn according to law the Relator avers that all the facts contained in the complaint are true and correct to the best of his knowledge, recollection and belief. 

Sworn to and subscribed in my presence this 7 day of June,
20 12.



NOTARY PUBLIC

Sonya Lynn Quaintance
Notary Public, State of Ohio
Commission Expires 1-15-15

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FRANKLIN CO. OHIO

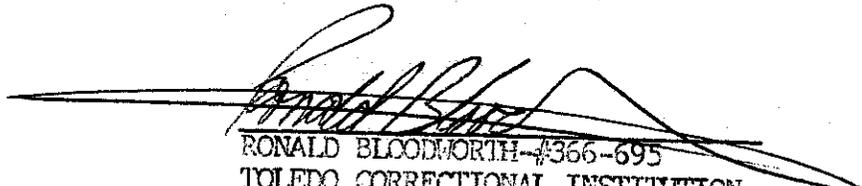
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IN THE COURT OF APPEALS OF THE
TENTH APPELLATE DISTRICT
FRANKLIN COUNTY, OHIO CLERK OF COURTS

RONALD BLCODWORTH	:	
Plaintiff-Appellant	:	Court of Claims Case No. 2011-11564
V.	:	
DEPARTMENT OF REHABILITATION AND CORRECTION	:	APPLICATION FOR LEAVE TO PROCEED UNDER OHIO REVISED CODE SECTION 2323.52(F)(2)
Defendant-Appellee	:	

Plaintiff-Appellant, RONALD BLCODWORTH, pursuant to R.C. §2323.52(F)(2), seeks leave from this court of appeals to proceed with filing an appeal to this Tenth Appellate District Court of Appeals from the Ohio Court of Claims' November 7, 2011 "ENTRY OF DISMISSAL" IN the above captioned case as a pro se litigant declared a vexatious litigator by the Franklin County Court of Common Pleas, case no. 11-CVH-01-265, in a October 31, 2011 decision. The Court of Claims of Ohio dismissed the action for its lack of subject matter jurisdiction over what it terms an action based on denial of access to court allegations. However, there is a need for resolution of a dispute in that in COUNT I of the complaint plaintiff-appellant alleges that by committing the conduct described therein (Compl. ¶¶3-5,7,8,11,14,16,18,19,20 & 22; but see App.Aff.attch'd herewith ¶¶3 & 4) the DRC agent(s)"has wrongfully intruded into the seclusion of plaintiff's private activities for the sole purpose to engage in a campaign to harass and torment plaintiff."(Id. at 5(a)). Plaintiff-Appellant also alleges therein that "Such intrusion was calculated to and proximately did cause plaintiff to endure outrage and mental suffering, shame, humiliation, inconvenience, and embarrassment." (Id. at 5(b)). Plaintiff-Appellant averred further in the complaint that the "wrongful intrusion by defendant agent(s) was such as to cause outrage, mental suffering, shame, humiliation and embarrassment to a person

of ordinary sensibilities."(Id. at 5(c)). Plaintiff-Appellant also averred therein that "As a direct and proximate result of the conduct of defendant's John Doe(s) and named agents acting within the course and scope of thier respective duties as DRC employees, plaintiff has suffered mental and emotional stress, anxiety, humiliation, depression, anger, all to his damage." (Id. at 5(d)). Causing plaintiff-appellant to miss critical deadlines and to lose certain court action(s) were all consequences that inter alia caused plaintiff-appellant's mental and emotional pain and suffering as alleged in the complaint however inartfully pleaddd. On Appeal plaintiff-appellant will argue that COUNT I of his complaint states a claim for invasion of privacy at common law that is within the subject matter jurisdiction of the court of claims of ohio who is vested subject matter jurisdiction over common lawe torts committed by state employees acting within the course and scope of thier employment with malicious purpose, in bad faith or in a wanton or reckless manner.

Respectfully submitted,



RONALD BLOODWORTH-#366-695
TOLEDO CORRECTIONAL INSTITUTION
2001 East Central Avenue
P.O. Box 80033
Toledo, Ohio 43608

PLAINTIFF-APPELLANT, PRO SE

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT
FRANKLIN COUNTY, OHIO

2012 JAN 26 PM 12:39

CLERK OF COURTS

RONALD BLOODWORTH

Plaintiff-Appellant

v.

DEPARTMENT OF REHABILITATION
AND CORRECTION

Defendant-Appellee

COURT OF CLAIMS CASE NO. 2011-11564

AFFIDAVIT OF RONALD BLOODWORTH

STATE OF OHIO)

) SS: RONALD BLOODWORTH-#366-695

COUNTY OF LUCAS)

RONALD BLOODWORTH, being duly cautioned and sworn, made under oath, deposes and says:

1. I am RONALD BLOODWORTH. I am making this affidavit based on personal knowledge and I am competent to testify to the facts contained in this affidavit.
2. I am the ~~appellant~~ in the above-captioned case and am currently in the custody and control of the Department of Rehabilitation and Correction(DRC) incarcerated at Toledo Correctional Institution(TOCI).
3. A true and correct typewritten reproduction of paragraph three(3) of the complaint filed in the above-captioned case states as follows:

"[D]efendant DRC's mailroom, or cashiers department John/ Jane Does personnel..., on July 15, 2011, returned to plaintiff his legal mail dated July 1, 2011(One manilla sized legal envelope), on July 7, 2011 returned to plaintiff two pieces of his legal mail, on July 11, 2011, returned to plaintiff eleven pieces of his legal mail, on July 14, 2011, returned to plaintiff one piece of his legal mail, and on July 14, 2011, plaintiff's legal mail; dated July 12, 2011,(one legal sized manilla envelope and two other pieces of legal mail) was returned to plaintiff all unmailed, # through the ordinary incoming mail channels by the block officer during mailcall."

4. A true and correct typewritten reproduction of paragraphs 4,5,7, 8,11,14,16,18~~7~~,19,20 & 22 of the complaint filed in the above-captioned case states as follows:

- a. PARAGRAPH FOUR(4): " One outgoing legal sized manilla envelope dated July 12, 2011, was returned to plaintiff on July 14, 2011, opened and its contents were read, without the letter ever having been mailed.
- b. PARAGRAPH FIVE(5): " Also, two outgoing embossed sized envelopes containing plaintiff's legal mail dated July 12, 2011, were returned to plaintiff on July 14, 2011, unmailed and opened, by his block officer during regular mailcall distribution.
- c. PARAGRAPH SEVEN(7): " [O]n July 22, 2011, during regular mailcall in his block, his block officer returned these pieces of outgoing legal mail to him with the exception of one piece of which plaintiff only received the cash-slip attached to that piece of legal mail; when he had initially mailed the article.
- d. PARAGRAPH EIGHT(8): "Plaintiff was never returned the missing piece of mail by John Doe(s) mailroom and cashiers office personnel.
- e. PARAGRAPH ELEVEN(11): " [O]n March 8, 2011, while standing inside of the rules infraction boards conference room, in Jane Doe(First Name Unknown) Lieutenant Cowell's presence, Sergeant Foster(First Name Unknown) bursts into the conference room holding two(2) stacks of letters and handed one stack to plaintiff, and said she was gonna mail the other stack; which also belonged plaintiff.
- f. PARAGRAPH FOURTEEN(14): "[O]n July 26, 2011, both pieces of outgoing legal mail were returned to plaintiff through the institutions ordinary mail channels without ever having been mailed causing plaintiff to miss a filing deadline.
- g. PARAGRAPH SIXTEEN(16): "[O]n August 11, 2011, the article of mail was returned to plaintiff without having been mailed.
- h. PARAGRAPH EIGHTEEN(18): " [O]n August 17, 2011, the letter was again returned to plaintiff without having been mailed.
- i. PARAGRAPH NINETEEN(19): " However, an unrelated article of mail plaintiff placed in the TOCI's U.S. Postal mailbox on August 16, 2011, was in fact mailed to Ohio Attorney Generals Office.

j. PARAGRAPH TWENTY(20): " Moreover, on August 17, 2011, also returned to plaintiff by the mailroom staff were nine(9) other outgoing pieces of legal mail initially mailed by plaintiff on August 16, 2011.

k. PARAGRAPH TWENTY-TWO(22): "[O]n September 21m, 2011, the mailroom staff member(s) returned the articles of mail to plaintiff without having mailed them."

5. A true and correct typewritten reproduction of paragraphs 30,32, 33, and 34 of the complaint filed in the above-captioned case states as follows:

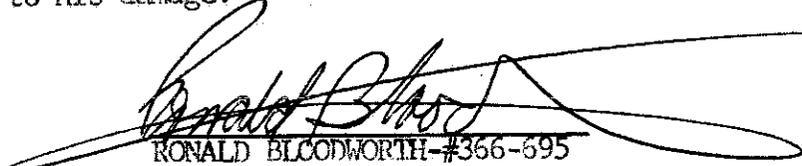
a. PARAGRAPH THIRTY(30): "[D]efendant's John Doe agent(s)' and named agents' by committing the above-described conduct has wrongfully intruded into the seclusion of plaintiff's private activities for the sole purpose to engage in a campaign to harass and torment plaintiff.

b. PARAGRAPH THIRTY-TWO(32): "Such intrusion was calculated to and proximately did cause plaintiff to endure outrage and mental suffering, shame, humiliation, inconvenience and embarassment.

c. PARAGRAPH THIRTY-THREE(33): "Plaintiff states that the wrongful intrusion by defendant's agent(s)' was such as to cause outrage, mental suffering, shame, humiliation and embarassment to a person of ordinary sensibilities.

d. PARAGRAPH THIRTY-FOUR(34): " As a direct and proximate result of the conduct of defendants JOHN DOE(s)' and named agents' acting within the course and scope of thier respective duties as DRC employees,' plaintiff has suffered mental and emotional stress, anxiety, humiliation, depression, anger, all to his damage."

FURTHER, AFFIANT SAYETH NAUGHT.

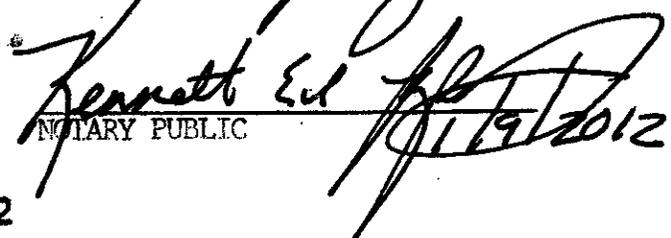

RONALD BLOODWORTH-#366-695
Affiant, Pro Se

Sworn to and subscribed in my presence this 9th day of January,

20 12.



Kenneth Earl Rupert
Notary Public, State of Ohio
Commission Expires 4/30/2012


NOTARY PUBLIC