

STATE OF OHIO, NOBLE COUNTY

IN THE COURT OF APPEALS

SEVENTH DISTRICT

STERLING M. JACKSON,	)	
PETITIONER,	)	CASE NO. 269
- VS -	)	OPINION
		AND
THOMAS B. HASKINS, WARDEN,	)	JOURNAL ENTRY
RESPONDENT.	)	

CHARACTER OF PROCEEDINGS:	Petition for Writ of Habeas Corpus; Motion to Dismiss by Respondent
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JUDGMENT:	Petition for Writ of Habeas Corpus Dismissed
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APPEARANCES:

For Petitioner:	Sterling M. Jackson, Pro Se Noble Correctional Inst. 15708 State Route 78, West Caldwell, Ohio 43724-8902
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For Respondent:	Atty. Betty D. Montgomery Ohio Attorney General Atty. D.J. Hildebrandt Asst. Attorney General Corrections Litigation Section 1600 Carew Tower 441 Vine Street Cincinnati, Ohio 45202
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JUDGES:

Hon. Edward A. Cox  
Hon. Gene Donofrio  
Hon. Joseph J. Vukovich

Dated: August 28, 2000

PER CURIAM.

This issue arises out of Petitioner's Petition for Writ of Habeas Corpus whereby Petitioner alleges he is wrongfully incarcerated by the Respondent and the State of Ohio due to the fact that he was not properly credited for "time served" and thus his maximum period of incarceration has expired and he should be released immediately.

On November 30, 1998, this Petitioner filed a petition for a writ of habeas corpus in this court (Case No. 261) raising the same issue as in this instant case. On February 18, 1999, this court dismissed the Petitioner's petition for writ of habeas corpus finding that Petitioner had not complied with the Ohio Revised Code requirements for habeas corpus.

Also, Petitioner has filed an affidavit stating that he has not filed "any civil actions in the last five years." Petitioner's petition for writ of habeas corpus of November 30, 1998 constitutes a civil action which has been filed within the last five years, pursuant to R.C. 2962.25

Failure to attach an affidavit which describes each civil action or appeal of a civil action the inmate has filed in the previous five years on any state or federal court is grounds for dismissal. *Zanders v. Ohio Parole Board* (1998), 82 Ohio St.3d 421.

Petitioner has failed to file an affidavit describing a civil action which he filed in this court on November 30, 1998 in violation of R.C. 2926.25.

For the reasons cited above, Petitioner's Petition for Writ of Habeas Corpus is dismissed.

Respondent's motion to dismiss is granted.

Costs taxed against Petitioner.

Final order. Clerk to serve a copy of this order to the parties as provided by the Civil Rules.

Cox, P.J., concurs

Donofrio, J., concurs

Vukovich, J., concurs.