

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

Andrew Eckstein,	:	
	:	
Petitioner,	:	
v.	:	No. 24AP-121
	:	
Jennifer Black, Warden,	:	(REGULAR CALENDAR)
	:	
Respondent.	:	
	:	

DECISION

Rendered on September 24, 2024

On brief: *Andrew Eckstein*, pro se.

On brief: *Dave Yost*, Attorney General, and *Stephanie L. Watson*, for respondent.

IN HABEAS CORPUS
ON RESPONDENT’S MOTION TO DISMISS

EDELSTEIN, J.

{¶ 1} Petitioner, Andrew Eckstein, brings this original action seeking a writ of habeas corpus ordering respondent, Jennifer Black, Warden at the Lorain Correctional Institution, to immediately release him from custody.

{¶ 2} Pursuant to Civ.R. 53(C) and Loc.R. 13(M) of the Tenth District Court of Appeals, we referred this matter to a magistrate who issued the appended decision, including findings of fact and conclusions of law. The magistrate determined that we lack jurisdiction to entertain Mr. Eckstein’s petition under R.C. 2725.03 because Lorain County—where the Lorain County Correctional Institution is located—is within the territorial boundaries of the Ninth District Court of Appeals, not the Tenth District.

Therefore, the magistrate recommended this court grant respondent's motion to dismiss and dismiss the action.

{¶ 3} Mr. Eckstein has not filed objections to the magistrate's decision. "If no timely objections are filed, the court may adopt a magistrate's decision, unless [the court] determines that there is an error of law or other defect evident on the face of the decision." Civ.R. 53(D)(4)(c). Our review of the magistrate's decision reveals no error of law or other defect.

{¶ 4} Regarding a court's jurisdiction over a habeas corpus petition, R.C. 2725.03 provides as follows:

If a person restrained of his liberty is an inmate of a state benevolent or correctional institution, the location of which is fixed by statute and at the time is in the custody of the officers of the institution, ***no court or judge other than the courts or judges of the county in which the institution is located has jurisdiction to issue or determine a writ of habeas corpus for his production or discharge.*** Any writ issued by a court or judge of another county to an officer or person in charge at the state institution to compel the production or discharge of an inmate thereof is void.

(Emphasis added.) *See also Bridges v. McMackin*, 44 Ohio St.3d 135, 136 (1989) (holding that R.C. 2725.03 allocates habeas corpus jurisdiction among courts of appeals on a territorial basis); *State ex rel. Turner v. Bunting*, 10th Dist. No. 15AP-605, 2016-Ohio-1325 (dismissing petition for writ of habeas corpus under R.C. 2725.03 for lack of jurisdiction).

{¶ 5} Under the plain language of R.C. 2725.03, it is clear we lack territorial jurisdiction in habeas corpus over a petitioner who is confined in an institution located outside of Franklin County. Thus, we agree with the magistrate's determination that respondent's motion to dismiss should be granted because we do not have jurisdiction to entertain Mr. Eckstein's habeas corpus petition. *See* Civ.R. 12(H)(3) ("Whenever it appears * * * the court lacks jurisdiction on the subject matter, the court shall dismiss the action.").

{¶ 6} Having conducted an examination of the magistrate's decision and an independent review of the record, pursuant to Civ.R. 53(D)(4)(d), we find the magistrate properly determined the facts and applied the appropriate law. Therefore, we adopt the magistrate's decision as our own, including the findings of fact and conclusions of law

contained therein, grant respondent's motion to dismiss, and dismiss Mr. Eckstein's petition for a writ of habeas corpus.

*Motion to dismiss granted;
action dismissed.*

LUPER SCHUSTER and LELAND, JJ., concur.

APPENDIX

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Andrew Eckstein,	:	
	:	
Petitioner,	:	
v.	:	No. 24AP-121
	:	
Jennifer Black, Warden,	:	(REGULAR CALENDAR)
	:	
Respondent.	:	
	:	

MAGISTRATE’S DECISION

Rendered on July 10, 2024

Andrew Eckstein, pro se.

Dave Yost, Attorney General, and Stephanie L. Watson, for respondent.

IN HABEAS CORPUS
ON RESPONDENT’S MOTION TO DISMISS

{¶ 7} Petitioner, Andrew Eckstein, has filed this original action requesting that this court issue a writ of habeas corpus ordering respondent, Jennifer Black, Warden, to immediately release him from incarceration because he has completed his entire sentence.

Findings of Fact:

{¶ 8} 1. Petitioner is an inmate currently incarcerated at Lorain Correctional Institution.

{¶ 9} 2. Lorain Correctional Institution is located in Lorain County, Ohio.

{¶ 10} 3. The Tenth District Court of Appeals, in which petitioner has filed this petition for a writ of habeas corpus, is located in Franklin County, Ohio.

{¶ 11} 4. On March 8, 2024, respondent filed a motion to dismiss, asserting that petitioner failed to file his petition in the proper county, pursuant to R.C. 2725.03.

Conclusions of Law:

{¶ 12} For the reasons that follow, it is this magistrate's decision that this court should grant respondent's motion and dismiss petitioner's habeas corpus action.

{¶ 13} A writ of habeas corpus is an extraordinary remedy that is available only in cases "where there is an unlawful restraint of a person's liberty and no adequate remedy at law." *Pratts v. Hurley*, 102 Ohio St.3d 81, 2004-Ohio-1980, ¶ 8.

{¶ 14} R.C. 2725.03 provides:

If a person restrained of his liberty is an inmate of a state benevolent or correctional institution, the location of which is fixed by statute and at the time is in the custody of the officers of the institution, no court or judge other than the courts or judges of the county in which the institution is located has jurisdiction to issue or determine a writ of habeas corpus for his production or discharge. Any writ issued by a court or judge of another county to an officer or person in charge at the state institution to compel the production or discharge of an inmate thereof is void.

{¶ 15} Thus, R.C. 2725.03 requires an inmate to file his or her petition for a writ of habeas corpus in the court of the county in which the institution is located. Here, petitioner is incarcerated in Lorain County; thus, petitioner was required to file his petition for a writ of habeas corpus in Lorain County. Because petitioner filed his petition in Franklin County, he has failed to comply with the requirements in R.C. 2725.03.

{¶ 16} Accordingly, this court lacks jurisdiction over petitioner's habeas corpus petition, and this court should grant respondent's motion to dismiss the petition.

/S/ MAGISTRATE
THOMAS W. SCHOLL III

NOTICE TO THE PARTIES

Civ.R. 53(D)(3)(a)(iii) provides that a party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ.R. 53(D)(3)(b). A party may file written objections to the magistrate's decision within fourteen days of the filing of the decision.