[Cite as *Harris v. Willoughby, Inc.*, 2024-Ohio-4626.]

IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY

ROBERT HARRIS, Plaintiff-Appellant, - vs - CITY OF WILLOUGHBY, INC., et al., Defendants-Appellees.	**CASE NO. 2024-L-032** Civil Appeal from the Court of Common Pleas Trial Court No. 2024 CV 000089

O P I N I O N

Decided: September 23, 2024
Judgment: Affirmed

Robert Harris, pro se, P.O. Box 373, Chardon, OH 44024 (Plaintiff-Appellant).

Michael C. Lucas, City of Willoughby Law Director, One Public Square, Willoughby, OH 44094 (For Defendants-Appellees).

JOHN J. EKLUND, J.

{¶1} Robert Harris ("Appellant") appeals the trial court's judgment granting Appellees' Civ.R. 12(B)(6) motion to dismiss. For the following reasons, we affirm the judgment of the Lake County Court of Common Pleas.

{¶2} Appellant was the defendant in criminal case no. 23TRD02196 (not on appeal) (the "Traffic Case"). The Willoughby Municipal Court, by bench trial, found Appellant guilty of R.C. 4507.35(A) (failure to display a driver's license) and R.C. 4503.21(A) (failure to display license plates.) The court ordered Appellant to pay a total of $450.00 in fines.

{¶3} On January 23, 2024, Appellant filed a civil "Complaint for injunctive relief pending complaint for declaratory judgment filing." In his complaint, Appellant sought injunctive relief "against further [collection] actions" relating to the Traffic Case. He averred that the trial court in the Traffic Case did not have jurisdiction over him because he was not "required to be licensed." He requested injunctive relief against further actions so that he could file a complaint for declaratory judgment.

{¶4} On February 26, 2024, Appellees moved to dismiss Appellant's complaint pursuant to Civ.R. 12(B)(6) for failure to state a claim ("the motion"). Appellees asserted: "The supporting averments recited in the complaint, however, provide nothing by way of any relevant factual allegations in support of the single remedy sought, i.e. injunctive relief."

{¶5} On March 21, 2024, the court granted Appellees' motion and dismissed the case with prejudice.

{¶6} Appellant timely appealed and raises five assignments of error:

{¶7} First assignment of error: "The trial court erred."

{¶8} Second assignment of error: "The Appellee's courts erred."

{¶9} Third assignment of error: "The Appellee's police deputy erred."

{¶10} Fourth assignment of error: "The Appellee's office of law director erred."

{¶11} Fifth assignment of error: "The Appellee's executive offices erred."

{¶12} In Appellant's second, third, fourth, and fifth assignments, he raises issues not properly before this court. The issues in those assignments do not relate to the judgment being appealed (the court's judgment entry granting Appellees' motion to dismiss). Instead, they relate to his prosecution, trial, and convictions in the Traffic Case.

Those issues could have been appealed after the court found him guilty in the Traffic Case.

{¶13} Only Appellant's first assignment of error relates to the judgment being appealed. We therefore only consider that assignment.

{¶14} Appellant contends that the trial court erred by granting Appellees' motion to dismiss pursuant to Civ.R. 12(B)(6).

{¶15} "An appellate court's standard of review for a trial court's actions regarding a motion to dismiss is de novo." *Bliss v. Chandler*, 2007-Ohio-6161, ¶ 91 (11th Dist.). In reviewing a Civ.R 12(B)(6) ruling, any allegations and reasonable inferences drawn from them must be construed in the nonmoving party's favor. *Ohio Bur. of Workers' Comp. v. McKinley*, 2011-Ohio-4432, ¶ 12. "[I]t must appear beyond doubt that the plaintiff can prove no set of facts in support of the claim that would entitle the plaintiff to the relief sought." *Id*. "However, unsupported legal conclusions, even when cast as factual assertions, are not presumed true for purposes of a motion to dismiss." *State ex rel. Martre v. Reed*, 2020-Ohio-4777, ¶ 12.

{¶16} A claim for injunctive relief is only appropriate if the movant shows "that immediate and irreparable injury, loss or damage will result without the relief and that no adequate remedy at law exists." *Byers DiPaola Castle, L.L.C. v. Portage Cty. Commrs.*, 2015-Ohio-3089, ¶ 67.

{¶17} "To establish a claim for injunctive relief, a plaintiff must show, by clear and convincing evidence: (1) the likelihood of success on the merits; (2) granting the injunction will prevent irreparable harm; (3) the potential injury that may be suffered by the defendant

will not outweigh the potential injury suffered by the plaintiff if the injunction is not granted; and (4) the public interest will be served by the granting of the injunction." *Id*. at ¶ 68.

{¶18} There is nothing in Appellant's complaint to show, clearly and convincingly, a likelihood of success on the merits in the instant case or any case he hoped to file. Appellant did not provide any set of facts that showed an injunction would prevent any "irreparable harm." The harm from which he sought protection, if any, was a hypothetical collection action against him. Lastly, Appellant's pleadings suggest he has an adequate remedy at law through a declaratory judgment action.

{¶19} Instead, Appellant alleged, and argued in opposition to the motion, that the Traffic Case court had no "jurisdiction" over his personal or "trademarked name." If Appellant is asserting the Traffic Case court had no personal jurisdiction over him because he is a self-proclaimed "sovereign citizen," the court properly dismissed his claim.

{¶20} Ohio courts repeatedly, and properly, have dismissed such arguments (and the claims purportedly based on them) as frivolous (and worse). *SoFi Lending Corp. v. Williams*, 2024-Ohio-1166, ¶ 21 (8th Dist.) (collecting cases); see, e.g., *State v. Thigpen*, 2014-Ohio-207, ¶ 39 (8th Dist.) ("frivolous"); *State v. Few*, 2015-Ohio-2292, ¶ 6 (2d Dist.) ("wholly frivolous"); see also *People of the Republic United States ex rel. Goldsmith v. Schreier, D.S.D.*, 2012 U.S. Dist. LEXIS 131987, 10, 2012 WL 4088858 (S.D. South Dakota Sept. 17, 2012) ("meritless . . . patently frivolous . . . nonsensical, gibberish, . . . having no conceivable validity in American Law.").

{¶21} "Regardless of an individual's claimed status of descent, be it as a 'sovereign citizen,' a 'secured-party creditor,' or a 'flesh-and-blood human being,' that

person is not beyond the jurisdiction of the courts. These theories should be rejected summarily, however they are presented." *SoFi Lending Corp.* at ¶ 22, citing *United States v. Benabe*, 654 F.3d 753, 767 (7th Cir. 2011).

{¶22} More fundamentally, the place to raise them for adjudication was in the Traffic Case or on appeal from the Traffic Case, not in a civil injunction action.

{¶23} If Appellant's injunction complaint was founded on some other theory, we cannot discern what it is because he pled no facts, even if true, that would entitle him to an injunction. In any case, he did not allege any form of irreparable harm or the absence of an adequate remedy at law.

{¶24} Upon a de novo review, we are convinced, beyond doubt, that Appellant could prove no set of facts in support of his claim that would entitle him to injunctive relief.

{¶25} Appellant's first assignment of error is without merit.

{¶26} The judgment of the Lake County Court of Common Pleas is affirmed.

EUGENE A. LUCCI, P.J.,

MATT LYNCH, J.,

concur.