

COURT OF APPEALS  
COSHOCTON COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO, EX REL.,	:	JUDGES:
LONNY BRISTOW	:	Hon. W. Scott Gwin, P.J.
	:	Hon. Julie A. Edwards, J.
Relator	:	Hon. Patricia A. Delaney, J.
	:	
-vs-	:	
	:	CASE NO. 08-CA-2
EDWIN C. VOORHIES, JR., WARDEN,	:	
ET AL.	:	
	:	
Respondents	:	<u>OPINION</u>

CHARACTER OF PROCEEDING: Petition for Writ of Mandamus

JUDGMENT: WRIT DISMISSED.

DATE OF JUDGMENT ENTRY: February 2, 2008

APPEARANCES:

For Relator – pro se:  
  
LONNY BRISTOW - #357-921  
Ohio State Penitentiary  
P.O. Box 1436  
Youngstown, OH 44501-1436

Gwin, P.J.

{¶1} Lonnie Bristow has filed a Petition for Writ of Mandamus requesting this Court issue an order “commanding respondents cease their actions.”

{¶2} To be entitled to the issuance of a writ of mandamus, relator must demonstrate: (1) a clear legal right to the relief prayed for; (2) a clear legal duty on the respondent's part to perform the act; and, (3) that there exists no plain and adequate remedy in the ordinary course of law. *State ex rel. Master v. Cleveland* (1996), 75 Ohio St.3d 23, 26-27, 661 N.E.2d 180; *State ex rel. Harris v. Rhodes* (1978), 5 Ohio St.2d 41, 324 N.E.2d 641, citing *State ex rel. National City Bank v. Bd. of Education* (1977), 520 Ohio St.2d 81, 369 N.E.2d 1200.

{¶3} Respondent Edwin C. Voorhies, Jr., is named as the Warden of the Southern Ohio Correctional Facility. Respondent David See is named as an investigator at the Southern Ohio Correctional Facility, and Respondent David Bobby is named as the Warden of the Trumbull Correctional Institution. Relator is now housed at the Ohio State Penitentiary in Youngstown, Ohio. Relator cannot demonstrate any clear legal right to the relief prayed for because Relator is no longer under the authority of any of the Respondents, therefore, the Petition is denied and dismissed.

{¶4} WRIT DISMISSED.

By: Gwin, P. J.,  
Edwards, J. and  
Delaney, J. concur.

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HON. W. SCOTT GWIN

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HON. JULIE A. EDWARDS

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HON. PATRICIA A. DELANEY

