

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
WOOD COUNTY

State of Ohio, ex. Rel. Augusto Duran

Court of Appeals No. WD-04-067

Relator

v.

Judge Reeve Kelsey

DECISION AND JUDGMENT ENTRY

Respondent

Decided: October 19, 2004

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Augusto Duran, pro se.

Raymond C. Fischer, Wood County Prosecuting Attorney, Gary D. Bishop and Jacqueline M. Kirian, Assistant Prosecuting Attorneys, for respondent.

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HANDWORK, P.J.

{¶ 1} This matter is before the court sua sponte. Relator, Augusto Duran, seeks a writ of mandamus and prohibition against respondent, Judge Reeve Kelsey. Pursuant to R.C. 2969.25, if an inmate files a civil action naming a government entity or employee as the respondent, the petitioner must comply with the requirements of the statute. Failure to do so subjects the action to dismissal. *State ex rel. Alford v. Winters* (1997), 80 Ohio

St.3d 285. In this case, relator failed to file comply with R.C. 2969.25(A) and (C).

Therefore, we hereby order this original action dismissed at relator's costs.

WRIT DENIED.

Peter M. Handwork, P.J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Judith Ann Lanzinger, J.
CONCUR.

JUDGE