

[Cite as *Henderson v. Shaffer*, 2010-Ohio-447.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

---

JOURNAL ENTRY AND OPINION  
**No. 94583**

---

**PAUL S. HENDERSON**

PETITIONER

vs.

**WARDEN SHAFFER**

RESPONDENT

---

**JUDGMENT:  
PETITION DISMISSED**

---

Writ of Habeas Corpus

Order No. 430763

**RELEASE DATE:** February 9, 2010

**FOR PETITIONER**

Paul S. Henderson, pro se  
Inmate No. 88969  
Cuyahoga County Jail  
P.O. Box 5600  
Cleveland, Ohio 44101

**ATTORNEY FOR RESPONDENT**

William D. Mason  
Cuyahoga County Prosecutor  
8th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

MELODY J. STEWART, P.J.:

{¶ 1} Petitioner, Paul S. Henderson, is the defendant in *State v. Henderson*, Cuyahoga County Court of Common Pleas Case No. CR-530899. He filed a “petition for writ of habeas corpus” which is clearly captioned “In the Court of Common Pleas Cuyahoga County.” The caption also includes “Case No. 09-530899.” Due to a clerical error, the clerk accepted Henderson’s petition for filing in this court.

{¶ 2} Accordingly, we dismiss this action sua sponte and instruct the clerk to file Henderson’s petition in the court of common pleas. See *State v. Nero*, Cuyahoga App. No. 85599, 2004-Ohio-6845. Each party to bear its own costs.

The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Petition dismissed.

---

MELODY J. STEWART, PRESIDING JUDGE

MARY J. BOYLE, J., and  
FRANK D. CELEBREZZE, JR., J., CONCUR