

[Cite as *Love v. Shaffer*, 2010-Ohio-448.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94618

BOBBY JAMES LOVE

PETITIONER

vs.

WARDEN SHAFFER

RESPONDENT

**JUDGMENT:
PETITION DISMISSED**

Writ of Habeas Corpus

Order No. 430917

RELEASE DATE: February 10, 2010

FOR PETITIONER

Bobby James Love, pro se
#0280331
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

SEAN C. GALLAGHER, J.:

{¶ 1} Petitioner, Bobby James Love, avers that he remains in the custody of respondent warden of the Cuyahoga County Jail despite the fact that the State of California has waived its right to extradition. He requests that this court order his immediate release. For the reasons stated below, we dismiss Love’s petition sua sponte.

{¶ 2} The petition and supporting materials have several defects. Love did not attach to the petition a “copy of the commitment or cause of detention” as required by R.C. 2725.04(D). Love also did not verify the petition as required by R.C. 2725.04. Although Love attaches an “Affidavit of Details in Particularity” to the petition and asserts that he “bears witness” under Section 1746, Title 28,

U.S.Code, the “affidavit” is not notarized. The petition is also not supported with an affidavit specifying the details of the claim as required by Loc.R. 45(B)(1)(a). Any one of these grounds would be a sufficient basis for dismissing this action. *Casey v. Shaffer*, Cuyahoga App. No. 94541, 2010-Ohio-369. Furthermore, Love has not included the addresses of the parties in the caption as required by Civ.R. 10(A), which may also be a ground for dismissal. *Clarke v. McFaul*, Cuyahoga App. No. 89447, 2007-Ohio-2520, at ¶5.

{¶ 3} Defects in the complaint or petition commencing an original action, as well as in the requisite supporting materials, provide a sufficient basis for disposing of the action. See, e.g.: *State ex rel. Leon v. Cuyahoga Cty. Common Pleas Court*, 123 Ohio St.3d 124, 2009-Ohio-4688, 914 N.E.2d 402; *Martin v. Woods*, 121 Ohio St.3d 609, 2009-Ohio-1928, 906 N.E.2d 1113. “By so holding, we need not address the merits * * *” of Love’s petition. *Leon*, supra, at ¶2.

{¶ 4} Accordingly, we dismiss Love’s petition sua sponte. Petitioner to pay 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.

SEAN C. GALLAGHER, ADMINISTRATIVE JUDGE

PATRICIA A. BLACKMON, J., and

MELODY J. STEWART, J., CONCUR