

[Cite as *State ex rel. Foster v. Belmont Cty. Court of Common Pleas*, 2005-Ohio-1353.]

STATE OF OHIO, BELMONT COUNTY  
IN THE COURT OF APPEALS  
SEVENTH DISTRICT

STATE EX REL.	)	
KENT C. FOSTER,	)	
	)	
RELATOR,	)	CASE NO. 04-BE-55
	)	
VS.	)	OPINION
	)	and
BELMONT COUNTY	)	JOURNAL ENTRY
COURT OF COMMON PLEAS, ET AL.,	)	
	)	
RESPONDENTS.	)	

CHARACTER OF PROCEEDINGS: Petition for Writ of Prohibition

JUDGMENT: Petition Dismissed

APPEARANCES:

For Petitioner: Kent C. Foster, Pro Se  
#A246-042  
Chillicothe Corrections Institution  
P.O. Box 5500  
Chillicothe, Ohio 45601

For Respondents: Attorney Chris Berhalter  
Prosecuting Attorney  
Atty. Robert W. Quirk  
Assistant Prosecuting Attorney  
147-A West Main Street  
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Attorney Jim Petro  
Attorney General  
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Corrections Litigation Section  
150 E. Gay St., 16<sup>th</sup> Floor  
Columbus, Ohio 43215

JUDGES:

Hon. Gene Donofrio  
Hon. Cheryl L. Waite  
Hon. Mary DeGenaro

Dated: March 16, 2005

PER CURIAM.

{¶1} Relator, Kent C. Foster, has filed an application for writ of prohibition, and according to the information on his application, is an inmate in a correctional facility. R.C. 2969.25 requires an inmate, at the time he or she commences a civil action against a government entity or employee, to attach an affidavit of all civil actions filed by him or her within the past five years. If an inmate fails to comply with R.C. 2969.25, his or her complaint for an original action will be dismissed. See *State ex rel. Zanders v. Ohio Parole Bd.* (1998), 82 Ohio St.3d 421, 696 N.E.2d 594; *State ex rel. Williams v. Markus*, 8th Dist. No. 82440, 2003-Ohio-660, at ¶ 4.

{¶2} In this case, relator has failed to attach an affidavit as required by R.C. 2969.25. Moreover, although relator lists respondents as “BELMONT COUNTY COURT OF COMMON PLEAS, et al.” the caption does not include any individual or the addresses of all the parties, as required by Civ.R. 10(A). Relator also seeks relief from the “Belmont County Prosecuting Attorney’s Office” and the “Ohio Department of Rehabilitation and Correction.” The failure to properly caption an original action is sufficient grounds for denying the writ and dismissing the petition. See *Chisum v. Accused*, 8th Dist. No. 82798, 2003-Ohio-2876, at ¶ 8, citing to *State ex rel. Sherrills v. State* (2001), 91 Ohio St.3d 133, 742 N.E.2d 651. Additionally, relator’s “application” does not reflect a certificate of service on any of the respondents.

{¶3} Accordingly, relator’s petition for writ of prohibition is dismissed. Court costs of this action are assessed to relator.

Donofrio, P.J., concurs.  
Waite, J., concurs.  
DeGenaro, J., concurs.