

[Cite as *King v. Cuyahoga Cty. Court of Common Pleas, 2002-Ohio-4595.*]

COURT OF APPEALS OF OHIO EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 81636

DENNIS KING	:	
	:	
Relator	:	JOURNAL ENTRY
	:	and
vs.	:	OPINION
	:	
	:	
CUYAHOGA COUNTY COURT OF	:	
COMMON PLEAS	:	
Respondent	:	

CHARACTER OF PROCEEDING: Petition for Writ of Mandamus
Motion No. 41008

JUDGMENT: DISMISSED

DATE OF JOURNALIZATION: September 5, 2002

APPEARANCES:

For Relator: Dennis King, pro se
Inmate No. 385-006
P.O. Box 8107
Mansfield, Ohio 44901

For Respondent: William D. Mason
Cuyahoga County Prosecutor
1200 Ontario Street, 9th Floor
Cleveland, Ohio 44113

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COLLEEN CONWAY COONEY, J.:

{¶1} Dennis King has filed a complaint for a writ of mandamus to have this court order the Cuyahoga County Court of Common Pleas to issue findings of fact and conclusions of law with regard to the denial of his motion to withdraw pleas of guilty in the underlying cases of *State v. Dennis King*, Cuyahoga County Court of Common Pleas Case Nos. CR-353606, CR-354899, CR-379298, and CR-379298. For the following reasons, we sua sponte dismiss King's complaint.

{¶2} This court has held that Crim.R. 32.1 does not require a trial court to issue findings of fact and conclusions of law following the denial of a motion to withdraw a plea of guilty. *State ex rel. Kavlich v. Judge McMonagle* (Jan. 27, 2000), Cuyahoga App. No. 76927; *State v. Halliwell* (Dec. 30, 1996), Cuyahoga App. No. 70369. Since the Cuyahoga County Court of Common Pleas owes no duty to King to issue findings of fact and conclusions of law, King's complaint for a writ of mandamus fails to state a claim upon which relief can be granted and must be dismissed. See R.C. 2731.01; *State ex rel. Yeager v. Cuyahoga County Adult Probation Dept.* (Dec. 16, 1994), Cuyahoga App. No. 67398; *State ex rel. Graves v. Callahan* (Nov. 29, 1993), Cuyahoga App. No. 66400. See, also, *State ex rel. Peebles v. Anderson* (1995), 73 Ohio St.3d 559, 653 N.E.2d 371.

{¶3} King has also failed to comply with the mandatory requirements of R.C. 2969.25(A), that an inmate, when filing a

civil action against a governmental entity or employee, must also file an affidavit which contains a description of each civil action or appeal of a civil action that has been docketed in the previous five (5) years in either state or federal court. *State ex rel. Akbar-El v. Cuyahoga Cty. Court of Common Pleas*, 94 Ohio St.3d 210, 2002-Ohio-475, 761 N.E.2d 624; *State ex rel. Sherrills v. Franklin Cty. Clerk of Courts*, 92 Ohio St.3d 402, 2001-Ohio-211, 750 N.E.2d 94.

{¶4} Accordingly, we sua sponte dismiss King's complaint for a writ of mandamus. King to pay costs. It is further ordered that the Clerk of the Eighth District Court of Appeals, pursuant to Civ.R. 58(B), shall serve notice of this judgment and date of entry upon all parties.

Dismissed.

PATRICIA ANN BLACKMON, P.J. CONCURS

ANNE L. KILBANE, J. CONCURS

COLLEEN CONWAY COONEY
JUDGE

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