

[Cite as *Henderson v. Houk*, 2009-Ohio-6475.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94254

PAUL S. HENDERSON

RELATOR

vs.

**MARE HOUK, WARDEN,
LORAIN CORRECTIONAL INSTITUTION**

RESPONDENT

**JUDGMENT:
WRIT DISMISSED**

Writ of Habeas Corpus

Order No. 94254

RELEASE DATE: December 7, 2009

FOR RELATOR

Paul S. Henderson, pro se
Inmate No. A573-468
N.C.C.T.F.
2000 S. Avon-belden Rd.
Grafton, Ohio 44044

FOR RESPONDENT

Mare Houk, pro se
Warden
Lorain Correctional Inst.
2075 S. Avon-belden Rd.
Grafton, Ohio 44044

SEAN C. GALLAGHER, J.:

{¶ 1} On November 16, 2009, petitioner Paul S. Henderson commenced this habeas corpus action seeking immediate release from prison. We dismiss the petition, sua sponte, for lack of territorial jurisdiction because the petitioner is incarcerated at the N.C.C.T.F. located in Lorain County, Ohio, and is not in the custody of any authority located within Cuyahoga County. See R.C. 2725.03; *Bridges v. McMackin* (1989), 44 Ohio St.3d 135, 541 N.E.2d 1035; *State ex rel. Randy Lewis v. John D. Morgan* (June 17, 1999), Cuyahoga App. No. 76314; and *State ex rel. Juan Mays v. Gerald T. McFaul* (Mar. 18, 1999), Cuyahoga App. No. 75833. The proper forum for a habeas corpus action is the appropriate court within the territory in which the prisoner's institution is located.

{¶ 2} It is further ordered that the clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B). Costs of this action are assessed against relator.

Writ dismissed.

SEAN C. GALLAGHER, PRESIDING JUDGE

KENNETH A. ROCCO, J., and
PATRICIA A. BLACKMON, J., CONCUR