

IN THE COURT OF APPEALS
FIFTH APPELLATE DISTRICT
RICHLAND COUNTY, OHIO

STATE OF OHIO EX REL.	:	JUDGES:
WILLIAM E. SMITH	:	
	:	
Petitioner	:	
	:	Hon., Patricia A. Delaney P.J.
	:	Hon., Sheila G. Farmer J.
-vs-	:	Hon., John W. Wise J.
	:	
RHONDA RICHARD, Warden	:	CASE NO. 13CA46
	:	
Respondent	:	
	:	<u>OPINION</u>

CHARACTER OF PROCEEDING: Petition for Writ of Habeas Corpus

JUDGMENT: WRIT DISMISSED

DATE OF JUDGMENT ENTRY: September 18, 2013

APPEARANCES:

For Petitioner – Pro se:

WILLIAM E. SMITH
c/o N.C.I.
15708 St Rt 78 West
Caldwell, OH 43724

For Appellee:

No Appearance

Delaney, J.,

{¶1} Petitioner, William E. Smith, has filed a complaint for writ of habeas corpus. Respondent, Warden Rhonda Richard is warden of the reception center located in Pickaway County, Ohio. Pickaway is not in this Court's jurisdiction. Petitioner has also filed a motion to transfer this cause to the Seventh District Court of Appeals because Petitioner has been moved to Noble County. Noble County is also not in this Court's jurisdiction.

{¶2} Under R.C. 2725.03 jurisdiction lies only with the court in whose jurisdiction the institution is located. *Starks v. Johnson* 2000 WL 652523, 2 (Ohio App. 7 Dist.).

{¶3} Because Petitioner Smith is not located within this Court's territorial jurisdiction, the instant cause of action must be dismissed for lack of jurisdiction. R.C. 2725.03 and *Bridges v. McMackin* (1989), 44 Ohio St.3d 135, 541 N.E.2d 1035. A petition for habeas corpus must be filed where the person being detained is physically located. *Id.*

{¶4} For these reasons, this complaint is dismissed.

By: Delaney, P.J.
Farmer, J. and
Wise, J. concur

HON. PATRICIA A. DELANEY

HON. SHEILA G. FARMER

HON. JOHN W. WISE

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WILLIAM E. SMITH	:	
	:	CASE NO. 13CA46
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-vs-	:	<u>JUDGMENT ENTRY</u>
	:	
RHONDA RICHARD, Warden	:	
	:	
Respondent	:	

For the reasons stated in our accompanying Memorandum-Opinion,
Petitioner's Complaint for Writ of Habeas Corpus is hereby dismissed. Costs to
Petitioner.

HON. PATRICIA. DELANEY

HON. SHEILA G. FARMER

HON. JOHN W. WISE