

COURT OF APPEALS
FAIRFIELD COUNTY, OHIO
FIFTH APPELLATE DISTRICT

PARDEEP SINGH SAINI
SOUTHEASTERN CORR. INST.

Petitioner

-vs-

BRIAN COOK, WARDEN
SOUTHEASTERN CORR. INST.

Respondent

JUDGES:

Hon., William B. Hoffman P.J.
Hon., Sheila G. Farmer J.
Hon., Patricia A. Delaney, J.

Case No. 15-CA-58

OPINION

CHARACTER OF PROCEEDING:

Writ of Habeas Corpus

JUDGMENT:

Dismissed

DATE OF JUDGMENT:

December 2, 2016

APPEARANCES:

For Relator: Pro Se

Pardeep Saini #687093
Southeastern Correctional Inst.
5900 BIS Rd.
Lancaster, Ohio 43130

For Respondent:

Michael DeWine
Ohio Attorney General
Maura O'Neill Jaite (0058524)
Senior Assistant Attorney General
Ohio Attorney General's Office
Criminal Justice Section
150 East Gay Street, 16th Floor
Columbus, Ohio 43215

Hoffman, J.

{¶1} Petitioner Pardeep Singh Saini has filed a Petition for Writ of Habeas Corpus claiming he is entitled to release from prison because (1) his right to counsel was violated, and (2) he received ineffective assistance of counsel. Respondent has filed a Motion to Dismiss for failure to state a claim upon which relief may granted and in the alternative, a motion for summary judgment.

{¶2} Respondent avers Petitioner has presented a materially false affidavit of prior civil actions. R.C. 2969.25 requires an incarcerated litigant to file an affidavit detailing all civil actions filed within the last five years. The affidavit presented by Petitioner fails to include a prior case Petitioner initiated in this Court. Further, Respondent maintains Petitioner has also filed a federal habeas action which was not included in the affidavit. Although the affidavit is incomplete, we will address the merits of the petition.

{¶3} All of the claims raised by Petitioner are couched in terms of the denial of counsel and ineffective assistance of counsel.

{¶4} The Supreme Court has explained neither “[c]laims involving the ineffective assistance of counsel [nor] the alleged denial of the right to counsel are . . . cognizable in habeas corpus,” *Bozsik v. Hudson*, 110 Ohio St.3d 245, 2006-Ohio-4356, 852 N.E.2d 1200, ¶ 7.

{¶5} Because the claims raised by Petitioner are not cognizable in habeas corpus, we grant the motion to dismiss the petition for failure to state a claim upon which relief may be granted.

By Hoffman, P. J.

Farmer, J. and

Delaney, J. concur.

[Cite as *Saini v. Cook*, 2016-Ohio-8067.]