

STATE OF OHIO            )  
                                  )ss:  
COUNTY OF SUMMIT     )  
LARRY DEAN

Petitioner

v.

JUDGE KATHRYN MICHAEL, ET AL.

Respondents

IN THE COURT OF APPEALS  
NINTH JUDICIAL DISTRICT

C.A. Nos.     29492  
                  29493  
                  29494

ORIGINAL ACTION IN  
HABEAS CORPUS

Dated: December 4, 2019

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PER CURIAM.

{¶1} Larry Dean has attempted to petition this Court for a writ of habeas corpus to order his release from custody. Respondents Judge Kathryn Michael and Judge James Kimbler, through counsel, filed a Motion to Dismiss on September 6, 2019. Because Mr. Dean has not complied with the mandatory requirements of R.C. 2969.25, this Court must dismiss the petition.

{¶2} R.C. 2969.25 sets forth specific filing requirements for inmates who file a civil action against a government employee or entity. Judge Kimbler and Judge Michael are government employees. R.C. 2969.21(C). Mr. Dean, incarcerated in the Trumbull Correctional Institution, is an inmate. R.C. 2969.21(C) and (D). One of the requirements is that at the time the civil action is commenced, the inmate must file an affidavit that contains information regarding any civil action or appeal of a civil action the inmate has

filed in the previous five years in any state or federal court. R.C. 2969.25(A). Mr. Dean did not file a R.C. 2969.25(A) affidavit.

{¶3} Mr. Dean also did not pay the cost deposit required by this Court's Local Rules and did not comply with R.C. 2969.25(C), which sets forth specific requirements for an inmate who seeks to proceed without paying the cost deposit. Mr. Dean did not file an affidavit of indigency, and he did not file a statement of his prisoner trust account that sets forth the balance in his inmate account for each of the preceding six months, as certified by the institutional cashier. R.C. 2969.25(C).

{¶4} A case must be dismissed if an inmate fails to comply with the mandatory requirements of R.C. 2969.25 in the commencement of the action. *State ex rel. Graham v. Findlay Mun. Court*, 106 Ohio St.3d 63, 2005-Ohio-3671, ¶ 6 (“The requirements of R.C. 2969.25 are mandatory, and failure to comply with them subjects an inmate’s action to dismissal.”).

{¶5} Since the petition does not meet the mandatory filing requirements under R.C. 2969.25, we need not decide whether it meets the statutory requirements under R.C. 2725, including whether the petition was filed in the correct location, followed the proper format, and included the required attachments.

{¶6} Because Mr. Dean did not comply with the mandatory requirements of R.C. 2969.25, the case is dismissed. Costs taxed to Mr. Dean.

{¶7} The clerk of courts is hereby directed to serve upon all parties not in default notice of this judgment and its date of entry upon the journal. Civ.R. 58.

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THOMAS A. TEODOSIO  
FOR THE COURT

CONCUR.  
CARR, J.  
HENSAL, J.

APPEARANCES:

LARRY DEAN, Pro se, Petitioner.

SHERRI BEVAN WALSH, Prosecuting Attorney, and COLLEEN SIMS, Assistant Prosecuting Attorney, for Respondents.