

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE EX REL. BENJAMIN
PEDRAZA, III

Relator

v.

MEDINA COUNTY COURT OF
COMMON PLEAS JUDGE JOYCE V.
KIMBLER

Respondent

C.A. No. 20CA0045-M

ORIGINAL ACTION IN
PROCEDENDO

Dated: August 10, 2020

PER CURIAM.

{¶1} Relator Benjamin Pedraza has filed a petition asking this Court for a writ of procedendo ordering Respondent, Judge Joyce V. Kimbler, to rule on his pending motions. Because Mr. Pedraza’s petition does not comply with the mandatory requirements of R.C. 2969.25, this Court must dismiss this action.

{¶2} Mr. Pedraza failed to comply with the statutory filing mandate that requires this Court to dismiss this case. R.C. 2969.25 sets forth specific filing requirements for inmates who file a civil action against a government employee or entity. Judge Kimbler is a government employee and Mr. Pedraza, incarcerated in the Grafton Reintegration Center, is an inmate. R.C. 2969.21(C) and (D). 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.”).

{¶3} Mr. Pedraza did not pay the cost deposit required by this Court’s Local Rules. He also failed to 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. Pedraza filed an affidavit of inability to prepay or give security for costs which asked this Court to waive prepayment of the cost deposit. He did not, however, 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, as required by R.C. 2969.25(C).

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

{¶5} 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.

LYNNE S. CALLAHAN
FOR THE COURT

HENSAL, J.
SCHAFFER, J.
CONCUR.

APPEARANCES:

BENJAMIN PEDRAZA, III, Pro se, Petitioner.