

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

Respondent

v.

RICKIE LEE YAUGER

Petitioner

C.A. No. 29930

ORIGINAL ACTION IN
HABEAS CORPUS

Dated: March 24, 2021

PER CURIAM.

{¶1} Relator Rickie Lee Yauger has filed a petition asking this Court for a writ of habeas corpus ordering his release from custody. The State of Ohio has moved to dismiss. Because Mr. Yauger’s petition does not comply with the mandatory requirements of R.C. 2969.25, this Court must dismiss this action.

{¶2} Mr. Yauger 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. The state of Ohio is a government entity and Mr. Yauger, incarcerated in the Lorain Correctional Institution, 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. Yauger 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. Yauger 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. Yauger did not comply with the mandatory requirements of R.C. 2969.25, the case is dismissed. Costs taxed to Mr. Yauger.

{¶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.

DONNA J. CARR
FOR THE COURT

TEODOSIO, J.
CALLAHAN, J.
CONCUR.

APPEARANCES:

RICKIE LEE YAUGER, Pro se, Petitioner.

SHERRI BEVAN WALSH, Prosecuting Attorney, and JACQUENETTE S. CORGAN, Assistant Prosecuting Attorney, for Respondent.