

THE STATE EX REL. WASHINGTON, APPELLANT, v. OHIO ADULT PAROLE

AUTHORITY, APPELLEE.

[Cite as *State ex rel. Washington v. Ohio Adult Parole Auth.* (1999), 87 Ohio St.3d  
258.]

*Mandamus sought to compel Ohio Adult Parole Authority to release relator on  
parole, or alternatively, order a new parole revocation hearing —  
Dismissal of complaint affirmed.*

(No. 99-1005 – Submitted October 12, 1999 – Decided December 1, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 98AP-73.

In 1998, appellant, Robert H. Washington, Jr., an inmate at London Correctional Institution, filed a complaint in the court of appeals for a writ of mandamus to compel appellee, Ohio Adult Parole Authority (“APA”), to release him on parole, or alternatively, order a new parole revocation hearing. Washington claimed that the APA used incompetent evidence to revoke his parole. Washington did not file with his complaint an affidavit describing each civil action or appeal of a civil action he had filed in the previous five years in any state or federal court, and his affidavit of indigency did not contain a statement setting forth the balance in his inmate account for each of the preceding six months, as certified by the institutional cashier. See R.C. 2969.25(A) and (C).

In 1999, the court of appeals dismissed Washington’s complaint.

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*Robert H. Washington, Jr., pro se.*

*Betty D. Montgomery, Attorney General, and Jihad M. Smaili, Assistant  
Attorney General, for respondent.*

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*Per Curiam.* Washington asserts that the court of appeals erred in dismissing his mandamus action. Washington’s claims are meritless.

As the court of appeals properly concluded, Washington, who does not claim that R.C. 2969.25 is inapplicable to mandamus actions, did not comply with the mandatory requirements of that statute in commencing his action. See *State ex rel. Zanders v. Ohio Parole Bd.* (1998), 82 Ohio St.3d 421, 422, 696 N.E.2d 594, 594-595.

In addition, to the extent that Washington seeks release from prison, mandamus is inappropriate. *State ex rel. Larkins v. Aurelius* (1998), 84 Ohio St.3d 112, 113, 702 N.E.2d 79, 79-80.

Based on the foregoing, we affirm the judgment of the court of appeals.

*Judgment affirmed.*

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.