

MARTIN, APPELLANT, v. WOODS ET AL., APPELLEES.

[Cite as *Martin v. Woods*, 121 Ohio St.3d 609, 2009-Ohio-1928.]

Appeal from dismissal of complaint for writ of mandamus — Application of R.C. 2731.04 and 2969.21 to 2969.27 — Judgment affirmed.

(No. 2009-0226 — Submitted April 21, 2009 — Decided April 30, 2009.)

APPEAL from the Court of Appeals for Marion County, No. 9-08-56.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the complaint of appellant, Robert Martin, for a writ of mandamus. Martin did not bring this action in the name of the state and failed to seek leave to amend his complaint to comply with this R.C. 2731.04 requirement when appellees raised it. *Rust v. Lucas Cty. Bd. of Elections*, 108 Ohio St.3d 139, 2005-Ohio-5795, 841 N.E.2d 766, ¶ 16. Martin also did not comply with the requirements of R.C. 2969.21 to 2969.27. See, e.g., *State ex rel. Ridenour v. Brunsman*, 117 Ohio St.3d 260, 2008-Ohio-854, 883 N.E.2d 438, ¶ 5. Notwithstanding Martin’s contention to the contrary, R.C. 2969.21 to 2969.27 apply to civil actions that an inmate commences against the state, a political subdivision, or an employee of those entities in the court of appeals. R.C. 2969.21(B)(1)(a).

{¶ 2} We further deny appellant’s motion to strike appellees’ merit brief.

Judgment affirmed.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O’CONNOR, O’DONNELL, LANZINGER, and CUPP, JJ., concur.

Robert Martin, pro se.

SUPREME COURT OF OHIO

Richard Cordray, Attorney General, and Ashley Dawn Rutherford,
Assistant Attorney General, for appellees.
