

**MILLER, APPELLANT, v. OHIO DEPARTMENT OF REHABILITATION
& CORRECTION ET AL., APPELLEES.**

**[Cite as *Miller v. Ohio Dept. of Rehab. & Corr.*,
123 Ohio St.3d 87, 2009-Ohio-4081.]**

*Appeal from dismissal of a petition for a writ of habeas corpus — Res judicata
bars petitioner from filing a successive habeas corpus petition —
Judgment affirmed.*

(No. 2009-0555 — Submitted August 11, 2009 — Decided August 19, 2009.)

APPEAL from the Court of Appeals for Belmont County,
No. 08-BE-35, 2009-Ohio-697.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Timothy A. Miller, for a writ of habeas corpus. Miller previously filed a petition for a writ of habeas corpus that raised the same issues as in this petition. *Miller v. Eberlin*, 116 Ohio St.3d 1434, 2007-Ohio-6518, 877 N.E.2d 987. Res judicata barred Miller from filing a successive habeas corpus petition. *Amstutz v. Eberlin*, 119 Ohio St.3d 421, 2008-Ohio-4538, 894 N.E.2d 1219, ¶ 7.

Judgment affirmed.

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

Timothy A. Miller, pro se.

Richard Cordray, Attorney General, and Jerri L. Fosnaught, Assistant
Attorney General, for appellees.
