

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Martin v. Ohio Adult Parole Auth.*, Slip Opinion No. 2009-Ohio-6164.]

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SLIP OPINION NO. 2009-OHIO-6164

**THE STATE EX REL. MARTIN, APPELLANT, v. OHIO ADULT
PAROLE AUTHORITY, APPELLEE.**

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Slip Opinion No. 2009-Ohio-6164.]**

*Failure to timely file appeal from court of appeals' judgment — Motion for
reconsideration does not extend time to file appeal — Civ.R 60(B) motion
is not a substitute for a timely appeal — Judgment affirmed.*

(No. 2009-1279 — Submitted November 18, 2009 — Decided
December 1, 2009.)

APPEAL from the Court of Appeals for Lucas County, No. L-09-1094.

Per Curiam.

{¶ 1} We dismiss the appeal of appellant, Robert Martin, because although he challenges the court of appeals' April 2009 judgment dismissing his complaint for a writ of mandamus and declaratory relief, he did not file a timely appeal from that judgment. S.Ct.Prac.R. II(2)(A)(1). Neither his motion for

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reconsideration nor his Civ.R. 60(B) motion for relief from judgment extended his time to appeal the judgment. *Cotten v. Fitzpatrick*, 98 Ohio St.3d 24, 2002-Ohio-7043, 780 N.E.2d 1019, ¶ 6; *Key v. Mitchell* (1998), 81 Ohio St.3d 89, 90, 689 N.E.2d 548. Finally, a “Civ.R. 60(B) motion for relief from judgment cannot be used as a substitute for a timely appeal * * *.” Id. at 90-91, 689 N.E.2d 548; *State ex rel. Richard v. Cuyahoga Cty. Commrs.* (2000), 89 Ohio St.3d 205, 206, 729 N.E.2d 755.

Appeal dismissed.

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

Robert Martin, pro se.

Richard Cordray, Attorney General, and Melissa Montgomery, Assistant
Attorney General, for appellee.
