

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Williams v. Sieve*, Slip Opinion No. 2011-Ohio-5258.]

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**SLIP OPINION NO. 2011-OHIO-5258**

**THE STATE EX REL. WILLIAMS, APPELLANT, v. SIEVE, JUDGE, APPELLEE.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it**

**may be cited as *State ex rel. Williams v. Sieve*,**

**Slip Opinion No. 2011-Ohio-5258.]**

*Civil procedure—disqualification of magistrate—Mandamus to conduct hearing denied—Adequate remedy by appeal.*

(No. 2011-0959—Submitted October 5, 2011—Decided October 18, 2011.)

APPEAL from the Court of Appeals for Hamilton County, No. C-110179.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Daniel J. Williams Jr., for a writ of mandamus to compel appellee, Hamilton County Court of Common Pleas, Domestic Relations Division Judge Jon Sieve, to follow procedural law by hearing and considering oral arguments before ruling on Williams’s motion to disqualify a court magistrate in a divorce case. Removal of a magistrate is within the judge’s discretion, *In re Disqualification of Wilson* (1996), 77 Ohio St.3d 1250, 674 N.E.2d 360, and

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mandamus will not lie to control judicial discretion, even if that discretion is abused. *State ex rel. Avery v. Union Cty. Court of Common Pleas*, 125 Ohio St.3d 35, 2010-Ohio-1427, 925 N.E.2d 969, ¶ 1. Williams has an adequate remedy by appeal to raise any claims of error in the domestic relations case.

Judgment affirmed.

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

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Daniel J. Williams Jr., pro se.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Charles W. Anness, Assistant Prosecuting Attorney, for appellee.

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