

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Brock v. Moore*, Slip Opinion No. 2013-Ohio-70.]

NOTICE

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SLIP OPINION NO. 2013-OHIO-70

BROCK, APPELLANT, v. MOORE,¹ WARDEN, APPELLEE.

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*Habeas corpus—Untimely notice of appeal from court of appeals’ judgment—
Appeal dismissed—Vexatious-litigator finding.*

(No. 2012-1716—Submitted January 9, 2013—Decided January 17, 2013.)

APPEAL from the Court of Appeals for Warren County, No. CA2012-05-043.

Per Curiam.

{¶ 1} We dismiss the appeal of appellant, Dennis R. Brock, from the judgment of the court of appeals dismissing his petition for a writ of habeas corpus. Brock failed to file a timely notice of appeal from the court of appeals’ July 5, 2012 judgment dismissing his petition. Former S.Ct.Prac.R. 2.2(A)(1)(a) (“To perfect an appeal from a court of appeals to the Supreme Court, * * * the appellant shall file a notice of appeal in the Supreme Court within forty-five days

1. This suit was filed against Timothy Brunzman, who was the warden of Lebanon Correctional Institution when the suit was filed. The current warden is Ernie Moore.

SUPREME COURT OF OHIO

from the entry of the judgment being appealed”) (now S.Ct.Prac.R. 7.01(A)(1)(a)(i), effective January 1, 2013). The court of appeals’ August 6, 2012 entry striking Brock’s motion for reconsideration and motion for certification due to lack of service and September 20, 2012 entry denying Brock’s motion for review of judgment did not extend his time to appeal the judgment dismissing his habeas corpus petition. *State ex rel. Manuel v. Stenson*, 126 Ohio St.3d 52, 2010-Ohio-2673, 930 N.E.2d 310.² Moreover, Brock’s motion for reconsideration was a nullity because his habeas corpus petition was an original action in the court of appeals, and thus App.R. 26(A) was inapplicable. *Phillips v. Irwin*, 96 Ohio St.3d 350, 2002-Ohio-4758, 774 N.E.2d 1218, ¶ 5.

{¶ 2} In addition, upon appellee’s request, we find Dennis R. Brock to be a vexatious litigator under S.Ct.Prac.R. 4.03(B). See *State v. Brock*, 120 Ohio St.3d 1421, 2008-Ohio-6166, 897 N.E.2d 654; *State v. Brock*, 122 Ohio St.3d 1457, 2009-Ohio-3131, 908 N.E.2d 947; *State v. Brock*, 129 Ohio St.3d 1410, 2011-Ohio-3244, 949 N.E.2d 1005; *State v. Brock*, 128 Ohio St.3d 1513, 2011-Ohio-2686, 948 N.E.2d 449; *Brock v. Niemeyer*, 130 Ohio St.3d 80, 2011-Ohio-4704, 955 N.E.2d 981. Accordingly, it is ordered by the court that Dennis R. Brock is prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. Any request shall be submitted to the clerk of this court for the court’s review.

Appeal dismissed.

O’CONNOR, C.J., and PFEIFER, O’DONNELL, LANZINGER, KENNEDY, FRENCH, and O’NEILL, JJ., concur.

Dennis R. Brock, pro se.

2. We deny Brock’s pending motions as moot.

January Term, 2013

Michael DeWine, Attorney General, and Stephanie Watson, Assistant
Attorney General, for appellee.
