

State ex rel

James M. Cline, 418-660

Relator

Case # 21-0631

Original Action: Complaint

Injunction, or Alternative Writ

against respondents

abuse of power, abuse of discretion,

dereliction of duty, failure to

obey OAC (Ohio Admin Code),

retaliating, improperly

supervised, and failure to

correct

Request mediation S.Ct. Proc. 4.02 and

- v -  
State of

Ohio Dept. Rehab & Correct  
(et al staff/employees)

AND

Madison Correctional Institution  
(Lt Yaw)

AND

Madison Correctional Institution  
(John/Jane Doe mailroom staff)

AND

Madison Correctional Institution  
(Mr. Gould, IIS)

And

Madison Correctional Institution

Warden Schweitzer

AND Madison Corr. Inst

HCA - Caste

Respondents

FILED

And appoint

RECEIVED

Ohio Public

State ex rel James M. Cline 418 660

MACT PO Box 740

London, Ohio 43140

MAY 14 2021

CLERK OF COURT  
SUPREME COURT OF OHIO

MAY 14 2021

CLERK OF COURT  
SUPREME COURT OF OHIO

- v -  
State of Ohio Dept. of Rehab & Correct (et al staff/employee)

4545 Fisher Rd, Suite D, Columbus, Ohio, 43228

AND

Madison Correctional Institution (Lt Yaw) PO Box 740, London, Oh 43140

And

Madison Correctional Institution (John/Jane Doe mailroom staff)

PO Box 740, London, Ohio 43140

AND

Madison Correctional Institution (Mr. Gould) PO Box 740, London, Oh 43140

And

Madison Correctional Institution (Warden Schweitzer)

PO Box 740 London Ohio 43140

Respondents

AND Madison Correctional  
Institution

HCA - Caste

PO Box 740

London, Oh 43140

Respondents Counsel: Dave Yost

30 E. Broad St

Columbus, Oh 43215

## Statement of facts

Madison mailroom staff (John/Jane Doe) frivolously, maliciously, and retaliatorily hinder, tamper, destroy or otherwise deprive me of a privilege that does not deserve hindrance, tampering with, likewise does not deserve to be treated frivolously nor maliciously. As my Evidence Appendix will prove beyond preponderance of the evidence Madison Correctional Institution mail room John/Jane Doe, and their Supervisor Lt. Yaw continue to undermine the integrity of the U.S. mail system, and violate OAC (Ohio Admin Codes - attached).

And, as every time reteler writes an "electronic" kite, or grievance this brings out more hostile reactions, retaliatory responses by respondents. In short, to complain about any problem that logically needs resolved only leads to 'retaliation' - so much so, that OPRC needs to be labelled 'Ohio Dept. of Retaliation And Corruption'

You see, let me tell this Court, J. James Cline, factually started logging all my mail sent or received since 10/13/20. Now, I won't cite for this Court every days mailings but a few.

10-13-20 mailed Ltr 3 to C.I.I.C., Ltr 4 senators/st.reps, Ltr 21 to OPRC director, Ltr 1 to Inspector General,

10-29-20 - receive Ltr from Senator Brown  
11-6-20 mailed ltrs to O.S.C. (herein Ohio Supreme Court) for case 20-1433 - didn't

do it right, returned to add cover page  
1-12-21 - mailed evidence Appendix pgl - returned 1/14/21 with evidence appex pg 3 requesting 11¢ postage on non-OPRC form, non-descriptive in procedures to mail properly. (see evidence appex pg 2).

1-14-21 Return of Court ltr above  
1-17-21 Excessive use of force, shot gun used on inmate Wilson - \* my log glo  
\* tracks use of force in RH unit, failure to protect, deliberate indifference.

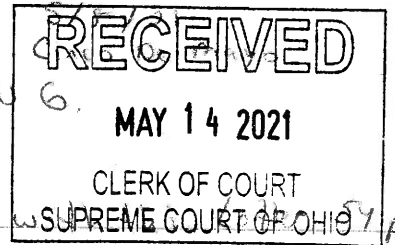
1-24-21 re-mail to OSC re consideration to case 20-1433, 2 ltr/writ of mandamus to County Clerk

3-21-21 - notice Gould (IIS) changed my ICR from previous week into Kite.  
Ltr 1 Alicia Hardin U.S. Dist Court Case Myr \* Always keep ink copies

3-29-21 - Mail Ltr 6 President, Ltr 2 General Assembly (certified mail), Ltr 2 to Acme Publications/Moonlite productions to purchase photos, Ltr to Court of Claims, Scott Himes, OSC, Columbus Dispatch

Clerk,

PLEASE FILE THIS WITH THIS FILING



Contained in this manilla envelope should be 53 pgs.

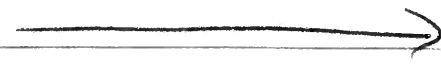
If I need to submit the letters I wrote to Chief Justice, Justice Donnelly, CIIC, or anyone mentioned in this filing I will do so.

I demand lawfully, an injunction (preliminary), protection order and/or Alternative writ. It's my belief ODRC/MACT staff assaulted inmate Yateaga when they moved him. This Court MUST Give witness to my evidence

- 1) The retaliation of returning ltrs for .15¢ postage for days,
- 2) when a kile/Grievance written by me it escalated retaliation of my name in the Columbus Dispatch - lead to retaliation
- 3) CIIC Jeff Noble, State Rep. Manning visit 7/8 led to retaliation,
- 4) Staff refused to let me call (law library of madison Court for lawyer referral)
- 5) Staff refused to look at Trial Court webpage for my case info
- 6) Staff deduct extra money for sick call
- 7) Staff refused to investigate my wrongful imprisonment
- 8) The Justice Donnelly letter was mailed regular given the staff kept toying with post-it notes, signs, cash slips.

(DID HE GET IT? - Do I need to submit proof Jeff Noble of CIIC is former MACT warden?)

10) I never received the June 21, 2020 ODRC/DARA Letter - This mailroom tampers with other mail AND JUD Gold does not stop it. And, I can't submit paper evidence in a computerized grievance And, on 5/4/21 use of force by So Householder when I believe he purposefully paired a non-gay with predator Gay. I request of this Court Protective Control AND you can't say you can't grant it when I went back for a retrial to Champaign County - he granted it. The Judge sent me to Logan County for my single cell protection out of his County. So I know you can too! Please do so.

RETALIATION Does not stop. I do not wish to draft a 42USC1983. Please assign me a lawyer. 

Clerk separate from all this, may I have a copy of  
Case # 2020-0485 10/16/20 motion to appoint Office of  
The Public Defender as Counsel AND the motions from date  
4/9/20 (all 5-6) items.

And let this Court know, I suspect since this prison has  
had inmate deaths, I expect to be next - will they  
attend my funeral?

Attached is my original action asking for 402/1701, appoint of  
Counsel, Evidence, Affidavit of indigence, 6 month cashier,  
Affidavit 296921, Affidavit of verity. (3 envelopes of evidence)

Please send copies of all back to me

Thank you

If the Court fails to Act  
This time, I'll add them,  
And all my filings to a  
42 USC 1983 as being  
deliberately indifferent against  
color of state law.

Which their to obey R.C. 1907.14, 3.23, 3.23 -  
Please Act swiftly.

Sincerely  
J. M. U.



3-31-21 receive legal mail from Notary Stone - osc dismissed 20-1433, my filed reconsideration, 20-1433, 20-1550, Ltr from District  
- gave Supreme Court Justice Donnelly Ltr for cert fcd mail to Case mgr.  
Stout like I did other cert fcd Ltrs with cash slip - to go out 4/11.  
And Ltr to osc, madison Court

4/2/21 - use of force

4/6/21 - receive legal mail osc, count of claims, And mail ltr to osc.  
receive thru regular mail delivery certified ltr mailed to Donnelly with sign (pg 4 evidence Appex) They (mail staff) claim I did not print my name along with signing it

4/7-21 I give to Stout, Sgt Reed This page 4, the cash slip, the Donnelly letter to again re-mail. (Staff tell inmates to clean showers that don't get cleaned)

4/8/21 - OSC sent CIIC St Rep Manning, inspector Helbing - former MACEI warden Jeff Noble to investigate my allegations in 20-1433, Fab/Kners allegations in 20-1551 - but not to see Haul 21-0117, nor those in case 21-0076. The end result, talk yielded no relief. I was told, "There's nothing we can do. They're running out of places to put me" - figured Jeff Noble would cover up for his former employees. That's politics.  
Hard at work! - Oh, staff decided to do inmate laundry - special occasion?

4-12-21 - Justice Donnelly ltr returned with post it note says, "Needs cash slip to be certified!" - They threw away a legally done cash slip. After sticking it back in to mail 4/12 it would return 4/13 w/out cash slip and only post it note taped over Donnelly osc address.

4-14-21 - I give Unit mgr Reger a paper kite (pg 7, pg 8 (1 Yaw paper kite) along with new cash slip (printed, signed by me, Reger)

4-15-21 - Donnelly Ltr returned again - with post it note (pg 6) evidence Appex attached. I wrote two paper kites (evidence Appex pg 5, 10, 11, 12 to the mail room) and gave up sending Ltr certified mail sent regular mail.

\* I've noted on these documents, when I sent kite electronic, or Grievance, electronic.

Evidence exhibits 13-25 pertain to correspondence to your clerk and my complaint about use of inter office mail. You'll see the date of my writing Ltr, and her Date stamp. Yet, you'll see me speak of the delay of reception in relation to her dated ltr.

Between your Clerk and MACT mail room I'll never be timely.  
There's retaliation on both ends.

3-24-21 mail free ltr per OAC to inmate Hegan (see evidence Appendix pg 36)

4/29-21 - mail free ltr per OAC to inmate Kemer (see pg 37)

4/30-21 - receive ltr pg 36, pg 37 with postit note still attached

\* Clearly MACT mail room staff tamper, toy, hinder mail

del. wry.

5-3-21 - give to 3rd shift % 3 ltrs to osc, ltr to Chief Justice, ltr to Danny Clive, ltr to Kemer (which was returned retaliatory).

of note Mr. Gould does not do his job to curb retaliation -

which means he must condone it. The Warden, likewise, and the ODRC prison staff at head quarters, or all other prisons likewise.

It can not be said I did not inform Director Chambers - Smith (I keep ink copies of all ltrs I mail to Counts, Atty, President, Senators, St reps, Judges, etc.

I would like to tell (not snitch as staff call me) this Court, that on 3/24/21

the mail room implemented a new mailroom (procedure) that was not posted in RH unit. The ODRC mail staff claim that this toy box with a pad lock was to ease worried minds of staff tampering with incoming or specifically outgoing mail. However, on this date, the free state letters were collected, and the relief (temporary %) said it would not hold 100+ letters, so he was asked by inmates what he did to ensure their free letters went out. He replied, "I had the Captain photo graph and email the major trying to stuff letters in the box" - A fact the mail room supervisor denies the box is too small, when in fact there's a regular size mail box outside the building. (mail staff are just too lazy to walk over to it - they'd rather have RH staff collect it, bring it to ~~them~~ them.)

Also, on 5/3/21 - I received mail which was crumpled, indicating to me that it was thought of to throw away, and they tried to un-crinkle it.

I've sent Kites, grievances to mailroom about this tiny box not holding 100 letters, nor Big manilla envelopes, nor is there this box available on Saturdays, Sundays like the general population mailbox is. I ask her where's the proof of return signature receipts on my now 3 letters to President Biden, 3 letters to General Assembly, one letter to my mom. I complained the OAC non policy dictate that any law books ordered are to be placed with my property. I sent away for a lawbook catalog from Starlite Inc in Florida months ago. The mail room never follows the OAC regarding "Contraband". In some prisons you'll receive a DRC form explaining what was contraband and give you options, to mail/destroy it. (But not at MAUI prison). And, judging by the fact that 3rd Shift relief on 5/3/21 10pm-6AM looked at each envelope of my 6 pieces of mail going out AND delivered a crinkled piece of mail addressed to me - Do I presume to think he did it or mail staff? (They all know about the Columbus Dispatch article ran on 3/19/21 - same date this Court dismissed my Case 20-1433) (see evidence Appex ps 61, 62 news article - all OAC does is retaliate) OF my grievances, they all get denied. Mr. Gault fails to curb retaliation which is his job. All the DRC staff fail to do their job. (Note: on 5/3/21 I asked 1st shift John Doe So (looks like Ellen Degeneres) to turn my cell ~~on~~ light on and was told, "fuck off") I'm not stupid Anytime Cline has a proper, righteous, lawful complaint and utilize the grievance procedure as he's done at LFCI, WCF, RCI, MAUCI, SDCF, AUCI the staff feel its time too retaliate AND Transfer Mr. Cline. That's why former Warden Jeff Noble said to Mr. Cline, "They're running out of places to put you" - now, will my embossed stamped letters given to 3rd shift So 5/3/21 be mailed or destroyed? Did Chief Justice receive both letters that I kept ink copies of? Did Justice Donnelly? Even Chief Justice knows (by now) all OAC does is retaliate. when will they kill Cline?

So, when I say I keep a log (in my mental health notebook) of all uses of force, all incoming, outgoing mail, all legal mail, all interaction with staff - (It's my Right to Do so!) The notebook is for my mental health, my diary, my right by constitution to write in it. (I say this because, some dipstick staff may read this and claim they need to confiscate this notebook.) At WCI, when I wrote too many grievances, letters in 2005, staff confiscated all my writing supplies. (paper, pens, stamps, carbon paper.) (These tactics are making one believe I'm in Nazi Germany, or Russia where anything that could topple the government, or expose the cruel and unusual tactics of officials must be stopped!)

Of note: Drugs sprayed on papers mailed to inmates, they call TSON has led to increased violence, fatal or near fatal overdoses. As such ODRC on 11/21 stopped allowing papers mailed to inmates, MACI photo copies, all incoming mail, and distribute. But, according to Prison Legal News, Ohio is not the only state too recognize this and photocopy incoming mail.

Chief Justice was correct to state "that my contacting the Court could lead to retaliation" - \*see article evidence

It's NOT uncommon for any one to "hate" to be told how to do their job, or that they're doing it wrong. But it is retaliation to take steps too further annoy, harass, demean, slander, a person for their freedom of speech in stating they do it wrong, or how they do it or for that matter to file grievances.

ODRC carries this retaliation all too far. When I sought out from this Court in case 20-1733 a single cell, Jeff Noble said, "only the Deputy Director can order that" I've asked Chief Justice in two letters if she can't get ODRC to cooperate with this request. And I told Chief Justice, she can publicize the letters, and that I already have evidence to support a failure to protect, deliberate indifference 1983 suit. (1) Affidavit of my assault (2) letter from ODRC stating level 3 (3) for assaultive behavior inmates (3) letters too Director stating fear of assault - It's a slam dunk! Swoosh!

Now, it's no secret, I'm personally assisting inmates in Marion, AOCI, WCI, GCI, MACI too file Injunctions/writs against OPRC AND 42 USC 1983's. Already I've helped Faulkner, Harul, Yaterga - a few others I don't know their names. And, several are pursuing 42 USC 1983. What is going on in OPRC is wrong. My cellmate is on his 3rd or 4th 42 USC 1983, against OPRC. Why does it take me too righteously assist multiple men to file into this Court, or federal court to get relief that should already be provided by Mr. Gould. The inmates are mad as hell, and I did over hear some say or speak of plans to turn the tables on those staff who kept beating, assaulting them while cuffed up.

There needs to be a log too track the # of times any specific staff is involved in a use of force. I will say this much my log shows most use of force came near dinner time. And, it's always the regular 5 days a week 90's involved in use of force. However, since 4/2/21 I, personally have not seen, heard of any use of force in RH unit. (<I've heard guys were beat before coming into this unit > And, all 1st shift, 2nd shift (5x a week) staff have been at least temporarily removed. (Of note: Yaterga on 4/23/21 his cell door was opened with at him in restraints, a cellmate forced in - which led to several fist fights, of which Yaterga would grievance an "un-reported use of force" by staff and his cellmate Richmond assaulting him on 4/24/21 electronic grievance - of which Yaterga attribute, to his multiple grievances and his O.S.C. filing and his 42 USC 1983 filing.)

I again repeat for this Court, I will submit to OAC voice stress analyzer about these incidents, I have no reason to lie. As neither does my cellmate Robinson 756-785 of who used to be OPRC staff. These MACI staff tell all inmates he's a snitch, former 90 or pedophile too get him assaulted.

WHEN WILL THIS COURT STOP THE malfeasance, misfeasance, dereliction of duty and all this retaliation that goes on at ALL OPRC prisons, only worse at level 3 AND 4? WHY Am I at level 3, when I have maybe 1 fight in 20 yrs?

What happened to the Judge Oath RC 1907 14, 3.22, 3.23? Your hands are not tied. Per civil rule 12 I state a claim with which relief can be granted. Per civil rule 65 and statutes still in existence this Court has jurisdiction to grant injunctive and/or alternative writs (as the constitution and R.C. says you can).

This Court has jurisdiction, I state a claim by which this Court can intercede. I'm not retarded. I'm not malicious, frivolous, not even retaliating. Here in prison ODRC wants to suppress those who exercise their right to file grievance, suppress freedom of speech. This is purely evil, sadistic behavior.

The dismissal of case 20-1433 was further evidence to support the ODRC's sadistic, retaliatory behavior AND evidence for a 92 USC 1923, 1985, 1986 against not only ODRC, but this Court, the Attorney General who represents these devil, satanist people the ODRC.

I've read the lexis-nexis key word "madison", "prison", "Assaults" - Between MDCI AND London these two prisons have the most inmates allege staff assaulted them.

Does this Court Insult my intelligence? Is this Court afraid of ODRC unions, Atty General, or other back back that this Court refuses to legally decide these cases?

I am not a child, I'm an 53 yr old educated, non drug using, non-violent, wrongfully imprisoned, falsely imprisoned white male born 9/7/67 in the now closed Dayton's Good Samaritan Hospital.

On 4/19/21 the maintenance came to build work out equipment in cells 114, 220 - only to tear it all out 5/3 why? This RH unit has no exercise room. In fact, all level 3 prisons had to convert one-two regular housing units into segregation units because ODRC does not curb the drugs, nor violence. Why does this Court listen too ODRC, AND the A.G.?

Do I need to send 1000 inmates into court battle?

When Jesus went to the temple and overturned the money changers tables and said to those who sold animals at the temple for sacrifice, "You've made my father's temple a den of thieves" - (paraphrasing).

ODRC is no different. They don't (DON'T) act in good faith, no they act in bad faith. They pray the attorney General AND this Court dismisses this cause and others similarly situated - because wide is that path to hell - and narrow the path to heaven. The attorney General AND ODRC are the blind leading this Court's justices to damnation.

THE HCA - casts is added to this because (Everytime Relator signs up for nurse sick call he's charged double)

I see the nurse 3/22/21, see Dr. by video 3/26/21. The JPAY Kiosk Computer tells me on 3/23/21 medical took (2.00) (\$2.00 in parenthesis is a deduction) And, on 4/6/21 (2.00) when I kite and grieve it, they try to tell me I'm seeing things. These are real life examples of the Ohio Dept. of Retaliation AND Corruption.

This motion serves as a request and stipulation to agree to one twenty day extension of time to respond, reply, or motion. This serves as notice given to Ohio Atty General who represents the subjects, I mean respondents.

This motion serves as a request for mediation pursuant to S.Ct. Proc. R. 4.02 And 19.01 Please provide a copy of R.C. 2710.01 - thru . 05.

Every word written in this original action (Injunction, or Alternative writ) has asked Respondents be commanded the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station. This Injunction/alternative writ may be allowed by this Court. This petition and/or motion explaining respondents negligence to perform said acts is contained on said pages and is verified by affidavit of verity And as such I request and provide a blank Court's order for allowance of this injunction/Alternative writ I ask this Court to show cause as to why this Injunction/writ should not be allowed AND to describe to ~~relator~~ relator any procedural deficiencies. There is no valid excuse why ODRC staff should perform their job poorly, with molestation, misfeasance, dereliction, retaliation - this all goes against R.C. 3.07 - thru 3.10. I request this Court to order ODRC staff to quit tampering with my mail, timely deliver it, stop retaliating.

Evidence Appex pg 5 26-35 cover OAC 5120-9-17 incoming mail, which notes are made by relator on significant parts of neglect by OARC staff. It explains their malfeasance, dereliction to perform their jobs in relation to the evidence exhibits attached. 5120-9-18 - Outgoing mail - [note: There is no new section provided by the general Assembly, nor new 55-SPC-02 RH policy to explain mail goes out only Monday thru Friday in a tiny shoe box on 3rd shift, not big enough to hold 25 letters, And no manilla envelopes). OARC does impose restrictions as expressed by my evidence, too needlessly, wantonly, wrecklessly, retaliatorily delaying mailings, crinkling mail, likely destroying mail - which is a federal offense. (Once I find the federal statutes, I'll see about a legal motion to the federal court) 5120-9-19 - Printed materials - I ordered law book catalog, photos, magazines - OARC has stopped delivery - (note: Given there is no rehabilitation being done inside OARC's drug addicts warehouse - why not allow any publication into OARC?) (note: Given OARC labels grievance writers snitch - why not allow magazines that show or promote violence? OARC allows, condones level 3 inmates too assault others. - It's on a memo. OARC never notified you you receive bibles, books, etc while in RH - Ark Robinson 716-785. The 'Publication Screen Committee' Always

Rubber stamps approved whatever OARC prison wants - they get 5120-9-20 - Inmates not allowed to order law books, they fear lawsuits. Yet they create the very need for law suits against them. I was denied my right per 5120-9-10, 55-SPC-02 to use the kiosk Sat 5/11/21, Sunday 5/12/21 to kiosk kite about wanting to call a lawyer referral to my case mgr, and deprived bumping up grievances against mail room, medical - and denied Kiting Gold to ask for copies of all grievances, for which he'll say "Be specific" yet the black inmate Yatinga can ask for all and get all. Even Mr. Gold retaliates. Relief <Prayer for relief>

- 1) Appoint Counsel to represent any deficiency I may have as I fall below poverty per 2323.311
- 2) Special Court mediator to resolve this <NOT C.I.I.C>
- 3) Special Court Appointed Observer <NOT C.I.I.C>
- 4) OARC employees fired for dereliction <R.C 3.07-3.10>
- 5) Legal Justice by this Court, not automatic siding with A.G. AND OARC.
- 6) Let me know of my procedural deficiencies?



- 7) Injunctive relief
- 8) writ allowed
- 9) Don't just consider the prose relator a novice not to be taken serious. Just because I did not include in 20-1433 my affidavits to support my case, or copies held by DRC is no reason to dismiss, or, simply because I'm prose indigent is no reason to dismiss.
- 10) These people need to find a new line of work. One suited for sadists.
- 11) Single cell court ordered, or influenced by court thru ODRC to comply
- 12) no retaliation as explained here in about my mail, dealing with mail staff
- 13) no retaliatory transfers simply because I use grievance system, or file court motions against DRC.
- 14) Fire or replace Gould if he's not going to stop retaliation.
- 15) Curb drugs, violence (its like these sadists enjoy seeing both)
- 16) They know level 3 is for assaultive behavior inmates, its in a memo. This is key evidence to support 42 usc 1983.
- 17) I'm NOT seeking 2743 count of claims, nor 42 usc 1983 - I seek this court to do its job to tender a remedy of relief
- 18) follow your Judicial oaths 1907/17, 3.22, 3.23 or did you take an oath?
- 19) Stop ODRC from acting in Bad faith as described by my evidence. mail staff have done this to me elsewhere also.
- 20) Any other relief this court deems fair/Just - excluding arbitrary dismissal.
- 21) Protective Custody, single cell

### Conclusion

I, J Clive hereby seek relief in this original action, for which I did present evidence which validates this is a claim for which relief can be granted as this court has original jurisdiction. This is not a 2743 nor 42 usc 1983 claim. I do keep a log as I state.

This is not brought to be frivolous, nor malicious, ODRC does that fine - all by themselves. Attached is my 2969.25 affidavit, my six month preceding demand statement, my affidavit of indigence, my affidavit of verity. And anything else I believe I need to not be procedurally deficient. Also included is order for Allowance.

New evidence for submission (see Evidence Appendix pg 38 60 - specifically pg 53) Relator Cline, in case 2021-0429 received this letter dated June 25, 2020 from Atty General Yackshaw on 5/15/21 instead of on or near the date of June 25, 2020 why? Because the MACI mail room supervised by Lt Yaw, and the 2-6 John/Jane Doe staff tamper, hinder, destroy relators mail without a doubt. If relator Cline had received that June 25, 2020 letter he would not have filed case 2021-429. And as such that God Almighty provided evidence beyond a reasonable doubt, beyond preponderance of evidence, this Court must Grant this writ, be it mandamus, Procependo, etc. whatever will yield the ODRC, MACI prison officials from withholding, disregarding federal/local/state law regarding mail to include OAC codes.

This is wholly - un-called for. These staff are criminals. And, (if word is true, MACI staff assaulted Yategn for his exercising his legal rights to file with this court AND a 42 USC 1983 to the feds.)

Its gross dereliction of duty, negligent, deliberate indifference - just plain illegal what MACI staff do. I doubt I'll get out of prison before ODRC has me killed. Its time to put on your listening ears as Judge Judy would say, and take Judicial Action.

Respectfully Submitted

J. M. Cline

ORDER FOR ALLOWANCE

we, the Justices, do hereby order and allow the issuance and allowance for this Injunction or alternative writ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

It is hereby ordered that ODRC stop retaliating against Relator Cline, deliver his mail, stop hindering, tampering with it. Create a bigger mail box. Stop using defamatory derogatory remarks. That ODRC provide James Cline 418-660 a single cell and not transfer him as retaliation for his court filing or grievance writing. We find just cause for this petition.

It is hereby ordered.

---

Chief Justice

## Evidence Appendix

pg1 - photocopy of envelope that contained 2ps; the prison insisted required 1st class postage - yet kept sending it back playing games with the cash slip

pg2 - one said cash slip they played games with

pg3 - The non-OAC form explaining to add a cash slip to non-existent non-returned letter to properly fill out cash slip.

pg4 - Sign given attached to letter I was sending to Justice Donnelly certified mail - kept being returned.

pg5 - Example of correctly done, (signed, printed - cash slip)

pg6 more juvenile comments on retaliation by mail room to send Justice Donnelly mailed letter certified (1st class post-it note)

pg7 Paper kite given hand delivery to unit mgr. Reger about this on going mailroom retaliation for which he does nothing.

pg8 - paper kite I gave to Reger to give to Lt. Yaw to stop retaliating

pg9 - same all dated

pg 10-11 - kite (paper) given to mail room dated

pg 12 - kite given to mail room

pgs 13-25 letter I wrote in response to clerk of your court saying her inter-office mailing is insufficient, deprives me of timely filings due to her and prison mail delivery

pg 26 - Dis regard - not evidence #

pg 27-35 - pertain to OAC codes not followed by OAC staff at all prisons

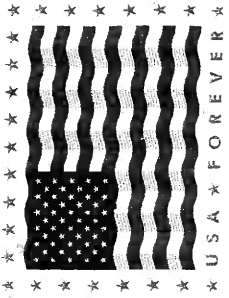
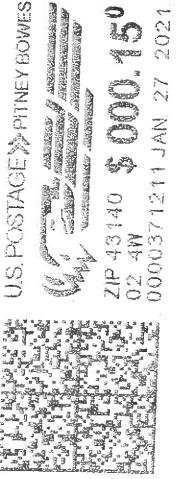
pg 36-37 - more evidence of retaliation as letter to Hogan was mailed at state expense per OAC in march, letter to Kamer in April. (Naturally I took them out, but send them with the mail room post-it note attached claiming "one a month")

pg 38-60 represents the legal mail received 5/5/21 - notice the envelope torn, tapes - not by relator

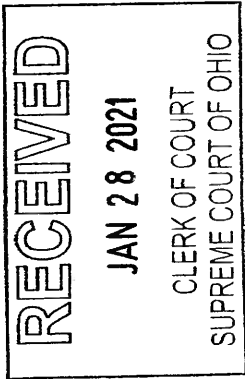
pg 53 The letter dated June 25, 2020 from OARC/OAPA in case 2021-0429 I never received until 5/5/21 thru Atty General as the mail room staff under Lt Yaw tamper with mine AND others mail pg 6/62 newsArticle

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COR



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65 South Front Street, 8th floor  
Columbus, Ohio 43215-3431

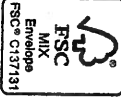


Clerk please file this envelope in legal mail

43215-3431

© USPS 2019

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUME.



\* Clerk, please file this envelope in call

20-1433

(If I alter it?)

Can I re-file this original action?

Tell me how I can Inter Office mail stuff to you?  
Our librarian does not e-file.

Someone wants my motion files late and it's not me. I won't fall at all the chances I get

mailed 1/12/21, Told 1/19/21 pay .15¢ postage - so I fill out cash slip  
1/19/21 cash slip returned, 1/20/21 fill out 2nd cash slip  
1/22/21 letter returned still requesting .15¢ postage  
1/25/21 fill out cash slip  
1/29/21 fill out cash slip  
return both letter/slip to mail room 1/25/21

pg 1

This envelope, represents yet an ongoing problem with ODCR prison mail room staff supervised by Lady Lt-Yaw. (why should 7 pages, require .15¢? As you read the envelope returned on many days, along with cash slip (which was filled out how they instructed) between your clerk (Bias/prejudicial) inter-office mailing 8-12 days... documentation of mail service reliability I can't be fine...

Need to: 55 / 95 / 4.10 / sic k calls Bdo to this one

The "Mail room's" form is not done, and if I drop this in mail box it will be returned out no staff signed it. A lie  
Personal A/C Withdrawal  
Check Out-Slip

Dollars: 0 Cents: 15¢

Institution: MACT Date: 1/14/21

Name: Address: City: State: Zip Code:

Postage  Copies  ID  Misc.  Check-out CK #

The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility. I followed order of mail room form - did not say for signature.

Inmate's Signature: [Signature] Number: 418-660 Block & Cell Number: AB-215  
Approved By: [Signature] Witnessed: [Signature]

Ship VIA: Date Processed:

DRC 1004 (Rev. 3/01) DISTRIBUTION: WHITE - Cashier CANARY - Inmate PINK -  
Please send all cash slip with branch back to me

where the letter that needs to be cash slip  
The address goes

Inmate Name: Cline

Inmate Number: 418 660

Lock: AB 215L

Amount Due: 15 d

Your mail is being returned to you because the post office determined it requires extra postage for it to be mailed out.

For your mail to be processed and mailed out, you must complete a cash slip and give it to the mailroom staff. You may drop the cash slip in the mailbox yourself OR handle it with your unit staff.

If you are unable to provide additional postage costs OR no longer want it mailed out, you may sign below and return this document to the mailroom staff. You may drop it in the mailbox. DO NOT drop it in the "free letter" mailbox.

BE ADVISED: If the mail is not being mailed out, it will be subject to be searched for contraband as all other incoming mail items coming into the compound.

Inmate Signature and Number: \_\_\_\_\_

Date: \_\_\_\_\_

Clark - disregard this pg - send it back to me  
once you copy it (front side)

MS 3 Help wanted  
need lawyer to battle illegal assistance, overform  
contribution from assistance, to set one  
giving the 60% of awards.

MS 2  
Chin Dept of Rehab & Corr. releases daily,  
inmate high on drugs into city street to  
commit more crimes (opac allow, condoms,  
permits drugs into all facilities, increasing  
violence

MS 1  
personally  
Sum Age 53 looking 4 surf age 20-45  
prefer you be into heavier men be slim,  
with natural or colored blonde hair



mail room this is  
NOT A CLINE ERROR

See  
staff

# ALL OF THESE CASH SLIPS NEED LEGIBLE NAMES PRINTED NEXT TO SIGNATURES

Coin 3/31/21 - for  
4/1/21

give to me 4/4  
to the 4/7

to me 4/12  
to the 4/12

To me  
4/13  
To the  
4/14  
To me  
4/15

To Judge Donnelly  
given to out staff  
again 4/14

Mr. Stout  
what is the mail  
rooms problem?  
They can't be speaking of  
my signatures.

I've never received the  
cash slips you took for  
certified mail to President  
or General Assembly  
See no proof mail room  
did those right.

I want return receipts signed  
by receiver. CAN you  
fix this? Cline 418660

# Personal A/C Withdrawal Check Out-Slip

Dollars: 2 Cents: 25

Institution: MACT Date: 1/26/21

Name: Cline

Address:

City: London State: OH Zip Code:

- Postage
- Copies
- ID
- Misc. \_\_\_\_\_
- Check-out CK # \_\_\_\_\_

The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility.

Inmate's Signature: <u>[Signature]</u>	Number: <u>418-660</u>	Block & Cell Number: <u>A0821</u>
Approved By: <u>[Signature]</u>	Witnessed: <u>[Signature]</u>	<u>5-4-2</u>

Ship Via: \_\_\_\_\_ Date Processed: 1/27/21

I, James Cline know I'm to cursive sign my name, AND print my name for both mail room and cashier staff, library staff to with draw funds for copies, postage. As seen above. (Even unit staff are to sign AND print. I have lived in RH (detention, 23 hr lock down from 3/18/20 to present.

The info. the mail room refers to is below the word city And Bottom of cash slip.

This cash slip will not be accepted due to all the information not needed. To have it accepted fill in the blanks only and write certified UP TOP ONLY! So this cash slip is void and will need a new one. Thanks Mail Room!

Returned 3/31, 4/6, 4/12, 4/13, 4/15

\* Certified mail - return receipt, signature requested

### Personal A/C Withdrawal Check Out-Slip

Dollars:	Cents:
----------	--------

Institution: <b>MACI</b>		Date: <b>3/31/21, 4/7/21, 4/12/21, 4/14/21</b>	
Name: <b>To: Justice J. Donnelly</b>			
Address: <b>65 South Front Street</b>			
City: <b>Columbus,</b>	State: <b>Ohio</b>	Zip Code: <b>43215-8431</b>	

certified mail  
 Postage    Copies    ID    Misc. \_\_\_\_\_    Check-out CK # \_\_\_\_\_

Return receipt Green Card with signature

The inmate's signature on this withdrawal request verifies that the information listed above has been read to or by the inmate and is correct. In the event of an error in the address which results in the return of this package, the inmate shall assume financial responsibility.

Inmate's Signature: <b>James M. Cline (James M. Cline)</b>	Number: <b>418-660</b>	Block & Cell Number: <b>AB-215</b>
Approved By:	Witnessed:	

Ship VIA:	Date Processed:
-----------	-----------------

DRC 1004 (Rev. 3/01)   DISTRIBUTION:   WHITE - Cashier   CANARY - Inmate   Pink- \_\_\_\_\_   ACA 4046

\* Cashier, please send copy of all cash slips back to me.

On 3/31/21 I, Cline gave unit Staff an embossed envelope, with a signed AND printed cash slip on 3/31 - it was returned 4/6 with a sign saying weedi signature printed. I gave it back to Mr Stout 4/7 where it was returned again 4/12. I took the printed sign off put it back in the mail 4/12 where it returned 4/13. so I gave it back to staff with the 1st post-it-note still attached and it was returned 4/15 with the above post-it-note. Now, what are the ORC or USC (St. J. ed) on Tampering with mail? The above cash slip replicates how I did it.

the nager, write my... on 4/10 I gave out a cash slip correctly done pg 7  
to certified mail to Justice Donnelly. It was returned 4/10, 4/12, 4/13. The childish  
mail staff taped on the ltr "needs cash slip to be certified AB 215" I suspect  
as others they stole inmates Covid stimulus \$1,200 \$600, \$1,400 - As such Lt.  
Yaw ADD their John/Jane Doe mail staff ARE being added to new/old Injunction,  
writs, 42 USC 1983 suits. (I saw where you printed your name). Tampering  
with mail will lead Lt. Yaw to O.R.W or Fed prison in Moundsville, W.VA.  
I AM personally going to assist 1,000+ inmates in these type of suits before  
12/31/21. It's no secret I helped Jake Faulkner, And others in RH or GP.  
Now this childish mailroom is likely due to my kiosk kite to Lt. Yaw on 4/10.  
(\*\* Please Email your 1st shift AB-unit RH (Yo) Smith, Erickson to ensure  
I get my kiosk sat. as I am kiting AND grieving a few things. And,  
per 5120-9-10 RH AND SS-SPC-02 ODRC staff ARE not permitted to stop  
access to kiosk or grievances - I'm NOT saying Erickson, Smith will -  
I'm saying there's a 14 day grievance process AND this mail incident started  
3/31 AND continued on for 2 wks now so, this AND A medical grievance - they  
had no right to take \$200 in April bth as I never saw a nurse -  
So please simply ensure I get on the kiosk 4/17/21) (\*\* copy kept)

On 4/7 inmates cleaned RH showers. On 4/8 So Smith did not come to work,  
you dressed up, mental health came to see inmates, all dirty laundry collected.  
There's NO WAY former warden Noble (now CUC staff) did not call in Advance to  
let you all know he & staff were coming. He said to me, "They're (ODRC) running  
out of places to put me" - Correct. At LECT I wrote ltrs to CUC, EPA, Public Health  
about dirty water, wrote grievances, also at RCI's pink water. At WCI they  
allowed me to get my jaw broke in RH AND had a separation of Church AND  
State issue. Then at MAUCI, I wrote grievance AND threatened to assault AND  
kill inmate AND staff. Then, at SOCF alot of grievances led the warden there  
to have A SPECIAL meeting w/me AND all his staff. End result, he got me out  
of 4B (ERH), put me in RTU as I was on case loads. (I know guys in your  
2A unit (ie Curtis, Berry, etc). The rise of drugs, and drug debt created for  
SOFC alot of rule 23's. (I'm not a user, owe no debt) But, when (Yo) can't  
do a proper pickup - (IE whered 135+ items, 203 tapes, etc) AND when  
drug dealing SoJ set me up with a knife, or get inmates to break my  
nose - I'm on the rule 23's side who owe drug debt. ODRC has the  
problems - not me. I Am tired of the Courts illegally, un-constitutionally locking  
up illiterates, mentally ill, drug addicts. It's O.D. Rehabilitation & C's job too  
fix these broken people - not warehouse them, set them free, re-arrest.  
I'm tired of All the drugs in ODRC, I should legally not be at level 3.  
I hear Trumbull is my next level 3 - as it's one I've never been to, nor filed  
grievances on. - Please deliver my kite, cash slip, ltr (mailroom taped note) to Lt  
Yaw. - If my situation here does not improve, more legal action will be needed.  
It's not my fault - it's ODRC's AND the more who file the courts will see

10.04.1998  
This is F.Y.I (For Your Information) I TAMPERING with the U.S. mail by any of your Juvenile mail room staff is unwarranted, we called for AVO deemed by me as retaliation for my Kiost kite to you Sat 4/10/21 Asking you "where's my return receipt (signature) I asked for on my certified mail? - where's my "CASH slips" your office is to return to me?" 2) Other men, including me now suspects your juvenile staff of throwing our incoming, out going mail "Away". Some, even resort to "receiving" certified mail to track how long it takes your juvenile staff to deliver it. 3) In May 2019 you had a mail so with a hit list of staff he would likely have killed. It's no wonder he felt like that. 4) On 3/31 I gave Case mgr Stout a letter with a cash slip asking for "certified mail, using Green Card, return receipt signature requested" on 4/6 it was returned with a sign "All of these cash slips need legible names printed next to signatures" - Stout gave it back to Reger who did print his name. on 4/12 it was returned again. (Now I had, signed and printed my name, put my #, cell location, wrote exactly what the address on the envelope said - on cash slip) \* previously) I know my job. So your childish staff returned it again 4/13. And this writing leads to their result.  
\*(of note: Your childish staff tore off the cash slip, taped a ~~piece~~ piece of paper over my address saying: "Needs cash slip to be certified! AB 215" Given I already gave to Stout on 3/29/21 a certified ltr to President Avo to General Assembly - yet receive no "signature" receipt, that prompted my 4/10 Kiost kite. It's NO SECRET I filed civil Injunction/writ against Maci as it was advertised on 3/19 in Columbus dispatch And I Am Behind passing out TEMPLATES (fill in the blanks) on the compound Avo by mail to other prisoners who feel ODRC staff illegally tamper with mail, illegally assault them. (I have certain educational, professional skills that many illiterate, mentally ill, drug addicted lack). It's my goal (not secret) to have 1,000 + inmates file my templates against ALL ODRC prison before 12/31/21. To include 42 ISC 1983 templates. And more are joining this process. ~~with the~~ ~~with the~~ ~~with the~~ ~~with the~~ ~~with the~~ ~~with the~~ You are being added (lt. Yaw) to guard this Supreme Court Avo federal filings because you as a mail room supervisor do not curb your juvenile staff. (who/what are their names?) I can simply ask, or list them as John / Jane Doe on Court filings. Makes no difference to me. Guys, including myself - suspect your staff of pocketing/stealing those Covid stimulus checks of \$1,200, \$600, \$1,400 - So, if you don't want to live at Ohio's reformatory for women or the female prison run by feds, in Mansville, West Virginia, I'd clean up your mail room. There are many ways to get my court papers, letters out side of MACI without having to directly put my info on an envelope. This Justice J. Donnelly, 65 S. Front St, Columbus, Ohio 43215-3431 Ltr is being returned today 4/14 for the 4-5th time - with a new cash slip. - It Avo a few more certified mail will be sent next week. If this is returned Again, if I don't get my Covid \$, if I have more problems MEL re: for you your staff to wear prison outfit! Cline 412-616-616

on outside of kite I wrote

\* Unit mgr Reger, Sgt Reed, Case mgr Stout - please put this, Ltr, cash slip in Lt yaw's mail box

# 418-660 name J. Cline Date 4/14/21

unit AB Lock 215 Ass'n \_\_\_\_\_

To Lt Law mail supervisor This is evidence for me

\* Carbon copy inside - In X copy kept for court

Given to unit staff, to give to Lt yaw along with new cash slip, Ltr to Justice pannelly taped over by childish mail staff - To be un-taped by childish mail staff.

These games need to stop

All I need is to take lie detector to prove my claim with this paper, or electronic trail.

Mailroom Staff,

4/15/21

pg 10

well, no, Thank you for "proving" you tamper with my (James Gline 412-660) mail.

But, know this in, so proving this is a legality which puts you in the losing seat.

Be cause Tampering with U.S. mail is A federal crime. And, since you're so incompetent ~~and~~ childish to stop this behavior of yours, you'll be promptly notified by such officers of the court that - and my hope, be arrested. You clearly can't follow (O.A.C.) Ohio Admin Code. CAN you ever read?

I'm L.M.F.A.O. @ UR stupidity (emoji)

Sincerely

J.M. Cline

J.M. Cline

And, thanks for the evidence of tampering with my legal mail to Justice  
bonnelly.

\* printed And cursive  
for those who  
CAN Read.

Kite (form 2005)

PS 11

# 418-600      name J. Clin      date 4/11/21

unit AB      lock 2115

to  
mailroom  
Lt  
YAW

To mailroom supervisor

\* Please read and note  
That you're now apart  
of a 42 USC 1923  
And will be prosecuted  
you are under arrest for  
Tampering w/ mail



mailroom (juveniles)

4115121

p 12

my 2nd paper kite -

F.Y.I, there are various types of "certified mail" of which I doubt you're "competent" to choose the one I desire without "SPELLING IT OUT" on the cash slip -

You've failed to send the Justice Donnelly Letter on 3/31, 4/7, 4/12, 4/13. And as such prove you ARE Childish And ignorant.

where's the return receipt(s) I asked for of the two previous ones given?

why be have like children when it knock kite your Lt Yaw?

But mark my words, it only takes my writing John / Jane Doe along with Lt. Yaw on a legal form to the court. And, I have plenty of in mates yet on my side, as you shall soon see

You'll likely be replaced before June with US Marshall or someone. Believe that

Sincerely

J. M. Cline

J. M. Cline

Your Behavior is

Retaliation, and

will be noticed as such

By "Grown Up  
Judges"

# The Supreme Court of Ohio

OFFICE OF THE CLERK

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE  
MAUREEN O'CONNOR

JUSTICES  
SHARON L. KENNEDY  
JUDITH L. FRENCH  
PATRICK F. FISCHER  
R. PATRICK DEWINE  
MICHAEL P. DONNELLY  
MELODY J. STEWART

CLERK OF THE COURT  
SANDRA H. GROSKO

TELEPHONE 614.387.9530  
FACSIMILE 614.387.9539  
www.supremecourt.ohio.gov

Clerk, pursuant to S.Ct. Prac. R. 2.03 (B)  
you (clerk) should've mailed my original  
action to you, since you listed him  
in case info. / docket - not them.

Your mail date  
December 30, 2020

Received  
Inter-office  
delivery  
1/12/21  
8AM

James M. Cline #418-660  
Madison Correctional Institution  
P.O. Box 740  
London, OH 43140

Re: Supreme Court of Ohio Case No. 2020-1433  
*James M. Cline v. Ohio Department of Rehabilitation. Annette Chambers-Smith,  
Director, and Correction and Madison Correctional Institution*

Dear Mr. Cline:

We are unable to file the enclosed response to respondent's motion to dismiss because the certificate of service states that service will be made by the clerk's office. Pursuant to Rule 3.11(B)(1)(a), the party filing a document must serve a copy of the document on all parties to the case. You may correct your document and resubmit it to the clerk's office for review. Please note a response to the respondent's motion to dismiss filed on December 22, 2020 is due by January 4, 2021.

please see reverse side

\* \* Tell me how I can inter-office mail stuff to you  
Please see the Rules of Practice of the Supreme Court of Ohio for additional information.

Sincerely,  
Clerk's Office

Clerk,

Enclosures

why are you sending this (late) to me?  
If the post mark on my envelope (you returned to me) is 12/29/21 - you received/stamped/wrote this letter 12/30 - why return it inter office? why not pay postage? How can I mail it 12/29/21 9AM, it get to you 12/30 by regular mail - yet your inter office delivery take 12 + days? And, you tell me to submit a response by 1/4/21? You tell me to disobey 12.04(B)(2) which says I have 10 days not 13-14 days as you indicate by your 1/4/21 date above. Please file this letter indicating my frustration with your inter-office mailing - consider this now a motion for reconsideration J. Cline

Clerk,

1/12/21

ps 14

It appears to the "average" intelligent person that a state inmate can not get fair treatment from the Supreme Court, or the clerk's office.

I in good faith mailed this out 12/29 - you received it 12/30. Why mail it inter office? Clearly, you try to foil my timeliness? Sure, I admit I put service to you - not their lawyer. But, given their lawyer Yost is on E. Broad St, and he assigned it to Gay St what's the difference? It's all trickery to foil an indigent inmate's chances at a case. But, I know I coached a few others to file their own case, and won't let theirs be foiled by mine or your mistakes. You must confess mailing your 12/30 dated letter to me (arriving 1/12) is foiling my timelines? If you don't confess you're a liar.

Oh, and if this is dismissed, I have other important writs/injunctions to file, with your office.

It's not bad enough you know their counsel of record - Yost, yet you mail service of my original complaint to them - foiling my timeline - actually giving them more time. I'm NOT stupid

Please file this side also with my (now) motion to re consider. See case 20-1521 (my helping others)!!!  
This prison feels they can beat up high inmates like their Guantanamo Bay prisoners. My trying to straighten this prison out will not cease. If I have to go outside of this court. You've already pissed off an inmate (not me) who's filing against you. I just bring my comments about you directly to you and this letter I wish attached to this filing of reconsideration. Add this to my motion  
Respect Thank you. A. (L)

Clerk of Court, for Ohio Supreme Court

1/16/21

To days date marks the 20 yr anniversary of my arrest in Richmond Indiana, and 1st attempt of suicide, upon that arrest for at that time a 7 count indictment in Champaign County, Ohio.

I digress

Please file the enclosed writ, writ supplement/Addendum, affidavit of verity, affidavit of indigence, and Confidential Personal Identifiers contained in filing (reference list)

Please remit a copy, returned to me.

\* Please read, consider filing extension of time motion for case 20-1433.

Has there been any filings in cases 20-1450, 20-1550, 20-1433?

\* Could you send me a calendar of court sessions?

I want you to know suboxone, meth, fentanyl, and (un-known) intoxicants - sprayed on paper - mailed to inmates who smoke to get high) HAS increased, likewise increasing fights, assaults (violence), and all sorts of chaos 2-3 wks ago inmate Arndt died after smoking too much of this intoxicant. A waste of such a young life. DRC has no control, and until control is wrought I will promote court motions, letters abused.

So, expect me to be the person advocating prisoners to file motions, letters. They will be told by me to be 100% truthful so as not to be frivolous, malicious. I do not have those intentions. All of what I say is true.

Thank you.

Sincerely

J. M. Clive 418660

MA CT

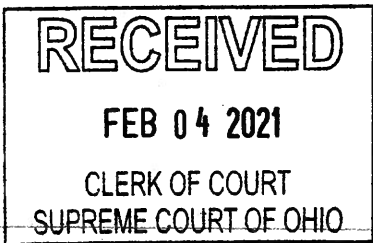
PO Box 740

London, OH 43140

RECEIVED

JAN 21 2021

CLERK OF COURT



pg 1x

Feb 2

Clerk,

2/2/21

Please find enclosed the motion for reconsideration for case 2020-1450, and notice of appeal of case 2020-1433.

Please mail me docket statements for case 2020-1433, 2020-1550, 2021-0076, and if possible 2020-1551 - (send court calendar of sessions)

Clerk, on 1/11/21 I received the motion response from you I mailed on 12/28/20 where your letter was dated 12/30/20. You sent it back due to an error on my part. It was originally captioned a response to case 1433, or in alternate a reconsideration. You explained I had until 1/4/21 - but I received it 1/11/21. I re-mailed it ~~1-12-21~~ on 1-14-21 the mail staff sent me (not an official OAC form telling me I owed .11¢ for 7 pgs). I sent a cash slip 1-15-21 it was returned 1-19-21. Then I sent a cash slip 1-20-21 and the letter was returned 1-22-21. So I attached a new cash slip (a 3rd time) to the letter for case 20-1433 re-mailed 1-25-21.

Please explain why no response from respondents counsel for case 20-1450?

Please tell me to who I appeal to for case 1450, or if I may re-submit. (If you can't do those, please give them directly to Chief Justice - Thank you)

Dr. of note Inmate Arnold died at mass after smoking. His acetone sprayed on paper. And, inmate Justin Wilson got shot 5 times w/ shot gun full of bean bags at 20 ft range and had concussion grenade thrown near him. Violence due to un-trained staff, facing high on drug inmates that OAC allows in this prison. → our ←

J. F. K... is but one story, mine is one - but expect MORE to be filed under my tutelage - The prison staff need to obey the word shall in OAC (Ohio Admin. Code) found in ORC Ohio Revised Code law book - It, not discretionary to chose to follow - it's law - They don't follow grievance procedure -

It, corrupt - just like the mail staff holding my mail.

I received 2 pieces from Supreme Court of Ohio on 2/2/21 - 7 others from other courts - all post marked 1/27/21 arrived here 1/29/21 not delivered until 2/2/21.

They retaliate against me.

The justice system, penal system in Ohio is NOT fair - Lady Justice and her tipped scales are true - it does not represent equality.

Please if nothing else express my concern for all this in case 2020-1432 or some case of mine.

Sincerely,

J. M. U

TO: Clerk Supreme Court of Ohio  
65 S. Front St. 8th flr  
Col. OH 43215-3431

From J. Cline 415 660  
MACI PO Box 740  
London, Oh 43140

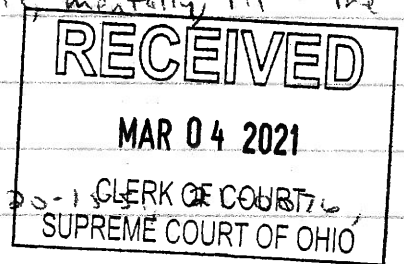
Date 3/2/21  
RE: Remoail of Case  
Reconsideration.

but 2/19/21 ltr (Inter-Office) mailed arrived today 3/2/21. You never stamped 'received' on any of my case 'reconsiderations' 21-0076, 20-1550, 20-1433. (I sense your FRUSTRATION at receiving these (recycled) to you.) Whether you read my ltr is irrelevant. You are as culpable for 'learning' the contents of my mailings. I know you refused to address my - Plethora of Questions. But, this does not constitute your not receiving, reading my ltr. Please file my Reconsiderations.

(1) Please 'submit' to Faulkner (if not me), the 'notice' made in his docket 20-1551. The City General had his prison # incorrect for service of Dismissal - re-submitted it to him recently. He has not received his 'notice', whatever that is, and wishes to know about this Magistrate Judge Triggs. (You're dealing with an illiterate, mentally ill - the kind of people Ohio Courts like to pick on).

(2) - Please send decision 2021-Ohio-106.

(3) - Please send updated dockets - cases 20-1433, 20-1550, 20-1551, 21-0117.



\* Notice to you AND SUPREME COURT JUSTICES: I see how corrupt the General Assembly + Courts are. Example: 2953.08 Persons can argue max/consecutive sentence if found guilty - NOT Pled guilty - thus, in R.C. 2743.48 if pled guilty but (illegally/wrongfully imprisoned) not allowed to civilly sue for being so. So, Ohio is a POLICE DICTATORSHIP - where only Justice goes to stuff peoples pockets w/ \$ \* \* This is my record of NOTICE to you all.

AND NOTICE: Having notified President Biden, other Specific Agents - it's my personal pledge to have your Court and federal Court filled with 1,000 civil actions of writs, injunctions, 1983's etc throughout Ohio's Prison Population by 12/31/21. I am personally mailing out templates on how to file, who to file to and will multiply my efforts UNTIL I SEE THE SCALES of Justice BALANCED and Ohio NOT taking advantage of Ohio's drug addicted, mentally ill, illiterate s - securing U.S. Congress funds thru misuse, misappropriation and fraud.



p 9/9

3RD NOTICE - for far too long Ohio Courts, jails, prisons, lawyers has RAPED the U.S. TAXPAYER illegally for \$\$. I'm re-doubling my efforts to get this to all Ohio TV, paper agencies. And, I hope within months to do so on social media, cable, etc.

So, CONSIDER THIS Phrase: "Where theres Smoke, theres fire" - These LEGAL CASES MENTIONED Here in are my efforts, not yours to protect the Constitutional Rights of EVERY inmate, black, white, foreign, drug addict, illiterate, mentally ill. I'll spend every waking minute socializing, networking to get Justice my Writ/Injunction SHOULD ALREADY BE GRANTED, as well as theirs. The Atty General is a fraud. Those case laws, Fraud. These CASES REPRESENT A FIRE BREWING AT MACI PRISON. The director has finally (conceded) culpability to intoxicants sprayed on paper nailed to inmates too smoke & get high. (Shes implemented Prison-wide Photo-copying incoming mail - distributing copies, dest saying originals) The State Police investigated (only one) inmate alleged staff assault on 2/21/21 inmate Hutchinson age 29 served 2yrs, was to release 2/23 - He asked all day 1/21 to speak to mental health - said hed kill himself and did at 5pm. His body laid there til 7pm.

You in your cushy job find it disgusting to even receive mine or these guys Hrs. The Justices, fail in their duties, to uphold the Constitution. If the feds can force the IRS to allow inmates COVID Stimulus - and add by -tr that 'it has not been reduced for child support nor any federal or state debt' They care more than the Corrupt Ohio Supreme Court Justices.

So, immediately (in 2 wks) I'm drafting 1983 templates to pass out to Faulkner, Haul - (Robinson already has his own)

May I file Amicus Curiae in any case mentioned here in?  
Trust AND believe if we can't get a CLASS ACTION Civil rule 23 - we'll Amicus Curiae Brief each others cases. You got loopholes to mess with us

Sincerely  
J. Cl.



To O.S.C. Clerk  
655 Front St. Bldg  
Columbus OH 43215

From James Clive 48662  
MAIL  
1211 STRATFORD  
PO Box 740  
London OH 43140

Date 3/12/21 PG 2A

RE my 2/21 letter Papers returned (today) 3/11/21

I would appear to me (still) that your choice of delivery would negate my 10 day right to appeal for reconsideration of cases 20-1433, 20-1550, 21-0070 so I remain to you these reconsiderations, making note of length of time on both of us to receive, reply.

Please send dockets for Case 20-1433, 20-1550, 20-1551, 21-0070, 21-0117 and send copy of Governor's motion to dismiss in case 21-0070 as I still have no copy.

I'd also like copy of 2021-Ohio-106 my dismissed Habeas 20-1450

Please timely file these reconsiderations?

What address of Wrongfully Imprisoned Person Project,

Att. Donahay, Beth Lewis, Diane Guder, Court of Claims?

Thank you

J.C.

RECEIVED

MAR 15 2021

CLERK OF COURT  
SUPREME COURT OF OHIO

To: Clerk of Court of  
Supreme Court of Ohio  
6 S Front St 8th floor  
Columbus, Oh 43215-3431

From James Clark 418 660  
MACT  
1851 St Rt 56  
PO Box 740  
London, Oh 43146

pg 21

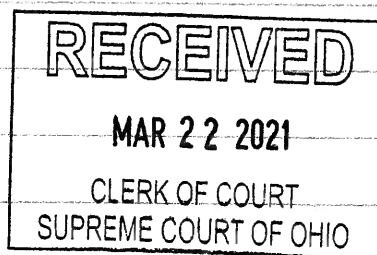
Date: 3/17/21

Re: Filing this motion to strike, with evidence  
exhibits (to include letter mailed to you dated 3/16/21)  
These all show I told you, a member of the court  
I did not receive service of motion to dismiss  
filed in case 2021-0079 by Mike Powine  
on 2/12/21.

Please send copies stamped to me of these.

Thank You

J Clark



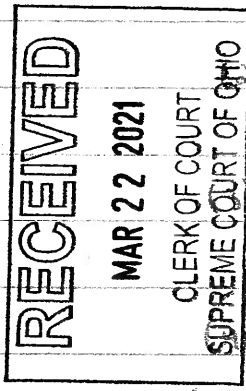
To: Clerk of Court of  
Supreme Court of Ohio  
65 S. Front St - 8th floor  
Columbus, OH 43140

James Cline 718-660  
MACT PO Box 740  
1851 STRAT 56  
COLUMBUS, OH 43145

Date: 3/16/21  
RE Questions, etc. pg 22

My ltr mailed 3/2, in U.S mail 3/3, you receive 3/4, write your ltr to me. According to the 'Person' form where I sign for legal mail, it arrived 3/11, yet I signed for its delivery on 3/16/21 at 2pm. Then set about to write this, and re-mail reconsideration so as not to be unhappy due to this absurd 12 day wait in receiving your replies.

Questions: (1) I never received the motion to dismiss, as filed by Governor Dewine - in case 2021-0076? would you send a copy?



(2) Is my not receiving a copy due to the anonymous John Doe 1, John Doe 2 status?

(3) Why in case 2020-1551 did magistrate Judge Alan Triggs receive summons service? <Fulker wants to know>

(4) Who is magistrate Judge Alan Triggs? <Fulker wants to know>

(5) The notice was a re-copy (1/2/21) of complaint in case 201551?

(6) Is Justice R. Patrick Dewine - a relative to Governor Dewine?

(If so, this sounds nefarious, that he would look out for Governor)

(7) Please send updated calendar of scheduled cases?

(8) Are there any other inmates in Ohio yet being injudicious, write in your court? (if not, before 12/31/21 will be)

There have been more recorded uses of force, not just by staff - but by me. An inmate arrived here 12 months ago is already seeking transfer, and was likely assaulted by cellie 2/13/21. Inmate Jones screamed he was assaulted, likely broke hand/wrist by staff on 3/15/21 6pm. I did mail ltr out to Senators, 2 state reps, General Assembly, Ltr 4 President. Soon to file 1983 1985 1986 (likely information charges against Gov Dewine, DEB staff for 1/28/21 incident). These things need not occur. I refuse time could vaccine. Will refuse test. I am General G.A. Custody, I won't ~~not~~ relent my legal work.

J.C.

To: Clerk of Supreme Court of Ohio  
65 S Front St 8th Floor  
Columbus, Oh 43215-3431

From: James Clark 412-660  
MACE  
1251 STRATSB  
PO Box 740  
London, Oh 43170

pg 25  
Date: 3/22/21  
RE: reconsideration

Your ltr dated 3/15/21 - actually arrived, I believe per the paper the prison had me sign 3/22/21, and signed for on that date.

On 3/14/21, 3/17/21 my dated ltr, after still not receiving a copy as explained by "Letters I sent, exhibits" I mailed a motion to strike not receiving a timely motion to dismiss case 21-0076 I also mailed reconsiderations for cases 20-1433, 20-1550, 21-0076

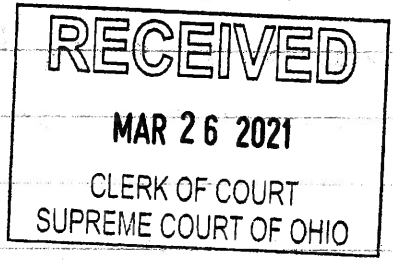
It's mind boggling how SLOW INTER DEPARTMENTAL mail delivery Really is. So effectively so, that I'M NOT CRAZY for mailing repeatedly my motions for Reconsideration. Given your ltr dated 3/15, just two days before this court dismissed my case 20-1550, yet my motion of reconsideration re-mailed 3/16, 3/17 (approx) should literally & theoretically be on time for the 10 day deadline. Yet, you may I believe file this amended recons. deration of case 20-1550 along with the one you should already have received. The Judges clearly did not cite which section of 208(B)(4) they relied on.

And I'm sure that my motion to strike should be upheld, given my evidence and explanation. So even though you mailed out the motion to dismiss in case 21-0076 with receipt today, it was still UNTIMELY Served and is therefore rejected until such time it can be properly, timely served.

Enclosed documents Recons. deration (Amended) case 20-1550 Recons. deration case 20-1433 motion response / reconsideration of case 21-0076

It's FUNNY How the one I currently send you 20-1550 was stamped by you 3/15, two days prior. I'm LMAO (emoji)

Sincerely  
J M U



To: Clerk of Supreme Court of Ohio  
65 S Front St Room 8<sup>th</sup>  
Columbus, OH 43215-3931

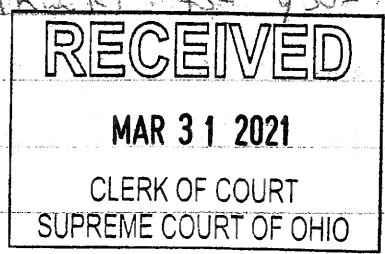
From: James Clive 418-660  
MACE  
PO Box 740  
London, OH 43140

pg 27  
date: 3/26/21  
RE motions?

- 1) Please file per SCT PRACR 401(A)(1) motion for cases 20-4433, 21-0076 - if possible stamped copy to me
- 2) Has any media (social / news) inquired of James Clive 418-660?
- 3) If so, who, and when?
- 4) Do you have a list of the registered Attys of active status with the office of Atty Services you could provide me?  
(I'm unsure who can represent)
- 5) Can you send me info on Gov. Bar rules?
- 6) Can you send me "cashiers form"?
- 7) Can you send me info on SCT PRACR 1301 (et seq) on how to file to be a lawyer?
- 8) where, how do I take the bar?
- 9) Could you provide docket sheet for 2020-1433, 2020-1550, 2020-1755, 21-0076, 21-0117?
- 10) Do you have atty address Diane Loder, Mr. Donahay?
- 11) Do you have address of wrongfully imprisoned prisoner project?
- 12) Is it too late for me to Amicus Curiae brief 20-1551, 21-0117?
- 13) Are there any more inmates from prison filing similar actions?
- 14) In reference to #2,3 - I was told anonymously an article on 3/19/21 in Columbus Dispatch named me, another inmate, this court and possible investigation of MACE - Can you send article? Who gave them info? I've not seen it.

Thanks for your help

Sincerely,  
J. M. Clive



Clerk

4/8/21

pg 28

Your 3/31 letter arrived 4/8/21

Enclosed are ~~2020-1433~~ 2021-0076 order of relief AND  
Strike

Enclosed is ~~2020-1433~~ <sup>pg 1</sup> 2020-1433 order of relief AND

Strike AND pg 2 Addendum Supplement with certificate of service  
AND added ~~2020-1433~~ reconsideration supplement.  
All with certificate of service

This is to document the fact the Court appears to be  
working unfairly, and particularly towards favoring ODRC  
(Ohio) Big money market. Is the US AND Ohio  
Constitution dead?

well, none the less, you said add certificate of  
service

So here they are. I've sent about 56 letters  
to this court this week alone 415 - 419.

Thank You

J. Chen

RECEIVED  
APR 12 2021  
CLERK OF COURT  
SUPREME COURT OF OHIO

- (D) Family members with prior felony criminal convictions may apply for visiting privileges. A family member or applicant who is under the supervision of the adult parole authority must have written permission from their parole or probation officer and approval from the warden in order to visit.
- (E) An inmate may request that a certain person be placed on, or deleted from, his or her approved visiting list. The request must be in writing, addressed to the warden or designee, and contain the visitor's name, address and relation to the inmate, and reason for the request. The decision on the request and the reasons for any denial thereof, shall be communicated to the inmate in writing.
- (F) Inmates may request that an individual be granted a special visit . The visit may be granted by the warden or designee. The request must be in writing, addressed to the warden or designee, and contain the desired visitor's name, address, relation to the inmate, and reason that a special visit is being requested. The decision on the request, and the reasons for any denial thereof, shall be communicated to the inmate in writing.
- (G) Tentatively approved visitors shall be interviewed prior to their first visit with the inmate by a person designated by the warden or designee for the purpose of verifying identification. During this interview, the visitor shall be apprised of institutional regulations, particularly state law concerning the introduction of unlawful contraband into a correctional institution. Only after completing this interview may a person be placed on an inmate's approved visiting list.
- (H) Approved visitors may be excluded from visiting when they act in violation of established visiting rules, and/or there is a reason to believe that their presence would pose a security risk, or be disruptive to the institution or to the inmate's adjustment. Such exclusions may range from denial of visiting for that day, termination of a current visit, suspension of visiting privileges for a specified period of time or an indefinite period of time. Any denial or termination of a visit must be approved by the warden or designee. Only the warden can suspend further visits. In these cases the warden shall provide written notice to the inmate and the suspended visitor. Suspended visitors shall be afforded the opportunity to present their views concerning such suspension. Suspended visitors may be required to reapply to the warden for a reinstatement of the visiting privileges.
- (I) Each institution has different physical facilities and programs. Therefore, the warden at each institution shall have broad discretion in regulating the following: the number of visitors allowed to visit an inmate at any one time; the frequency, duration and priority of visits; the visiting hours. Guidelines for these factors will be established by the warden and may vary to accommodate interests of institutional security and orderly operations. Consideration shall be given to the distance visitors are required to travel in order to visit an inmate. Persons required to travel great distances may make arrangements in advance by letter or telephone with the warden or designee for extended or consecutive visits. Such arrangements shall not be unreasonably denied.
- (J) Hospitalized inmates shall be allowed to receive approved visitors consistent with security requirements and with the consent of the medical authorities and the warden's approval.
- (K) Clergy may be added to an inmate's approved visitor list as a clergy-of-record. All clergy must complete the application process including providing documentation of professional certification.
- (L) A community organization volunteer that has partnered with the department to assist the offender in transitioning into the community may be added to an inmate's approved visitor list as a reentry mentor.
- (M) Visiting may be restricted or suspended for the entire inmate population or particular segments of the inmate population due to overriding security concerns as determined and authorized by the warden. No such restriction or suspension of visiting may extend beyond twenty-four hours without authorization of the director or designee.
- (N) Rules pertaining to visiting shall be posted in the visiting room and made readily available for general distribution to visitors and inmates.

Statutory Authority: 5120.01

Rule Amplifies: 5120.36

Prior Effective Dates: 04/05/1976, 10/30/1978, 08/18/1979, 07/20/1981, 10/11/1982, 05/15/2004, 04/01/2009

**5120-9-16 News media visits.**

(A) It is the policy of the department of rehabilitation and correction to permit visits by representatives of the news media to correctional institutions, when approved by the managing officer of the particular institution or his designee.

(B) The managing officer or his designee may place reasonable restrictions on the number of reporters allowed in the institution at any one time and on the duration of their visits.

(C) Arrangements for the use of photographic, recording or broadcast equipment or for interviews must be made in advance.

(1) Pictures or recorded interviews of specific inmates may be taken only after securing clearance from the managing officer or his designee and only after the inmate to be photographed has expressed his approval by signing the inmate consent form.

(2) The managing officer or his designee may place reasonable restrictions on the frequency, length, and starting time of personal interviews. The institution will visually monitor such interviews to assure the reporters' safety.

(D) If an institution is placed under a state of emergency, representatives of the news media will be allowed access only to those areas that are designated by the managing officer or his designee. During the existence of a state of emergency, the director or his designee shall inform the news media of the situation within the institution as releasable information becomes available.

Five Year Review (FYR) Dates: 7/3/2019 and 01/24/2024

Promulgated Under: 111.15

Statutory Authority: 5120.01

Rule Amplifies: 5120.36

Prior Effective Dates: 01/20/1973, 10/11/1982, 07/18/1983, 04/01/2009

**5120-9-17 Incoming mail.**

(A) Mail in the form of first class letters or electronic mail addressed to an inmate shall not be withheld except as provided in this rule. There shall be no limitation on the number of first class letters that an inmate may receive nor the number of persons with whom an inmate may correspond.

(B) Inspection of incoming mail:

(1) All mail, including electronic mail, other than legal mail, shall be opened and may be read or copied in the institution mail office and inspected for the presence of contraband, unauthorized forms of funds, and other threats to the security and safety of the institution. The written portion of the mail shall then be promptly delivered to the inmate, unless withheld in accordance with paragraph (G) of this rule. Clearly they're not

(2) "Legal mail" is mail addressed to an inmate clearly bearing the return address of an attorney-at-law, a public service law office, a law school legal clinic, court of law, or the correctional institution inspection committee. It may be opened and inspected for contraband only in the presence of the inmate-addressee. "Legal mail" does not include postcards from a court of law that indicates fees and/or fines owed by the inmate-addressee.

(3) Electronic mail is offered to inmates as an additional means of communication. Electronic mail received is not suitable for confidential legal communications or legal mail. Inmates shall be instructed not to use electronic mail



23  
p. 28

for confidential legal communications. "Legal mail" shall be restricted to the traditional mail format. Electronic mail cannot be accepted while an inmate is in special management housing.

They  
never  
it

(C) The managing officer or his designee shall determine the disposition of contraband pursuant to rule 5120-9-55 of the Administrative Code. The contraband may be returned to the sender, confiscated as evidence, held for the benefit of the inmate-addressee, or otherwise disposed of in a manner consistent with the law.

(D) All funds mailed to inmates shall be processed in accordance with rule 5120-5-02 of the Administrative Code.

(E) A letter or electronic message that is incorrectly addressed may be returned to the sender after a reasonable effort to ascertain the identity of the addressee has failed.

(F) Telegrams and electronic mail may be reviewed prior to delivery.

(G) Mail, including electronic mail, that presents a threat to the security and safety of the institution, its staff or inmates, may be withheld from the inmate-addressee. No material or correspondence will be considered to present such a threat solely on the basis of its appeal to a particular ethnic, political, racial or religious group. To constitute such a threat, the correspondence must meet at least one of the following criteria:

(1) The correspondence incites, aids, or abets criminal activity or violations of departmental rules, such as, but not limited to, rioting, extortion, illegal drug use or conveyance of contraband.

(2) The correspondence incites, aids, or abets physical violence against others, such as, but not limited to, instructions in making, using, or converting weapons.

(3) The correspondence incites, aids, or abets escapes, such as, but not limited to, instructions on picking locks or digging tunnels.

(4) The correspondence is in code or cipher.

(H) Procedures for withholding correspondence are as follows:

(1) The initial decision to withhold the correspondence will be made by the officer charged with inspecting it, with the concurrence of the mail room supervisor.

(2) The inmate-addressee and the author of the correspondence will be notified, in writing, that the correspondence was withheld. The notification will:

(a) Identify the inmate-addressee by name and number.

(b) Identify the author by name and address.

(c) Include a description of the correspondence by date or otherwise.

(d) Include a brief statement of the reason the correspondence is being withheld.

(e) Inform the author of the procedure for appeal, including the time for appeal.

(f) Identify the person to whom the decision to withhold the correspondence is to be appealed.

(3) The notification will be sent to the author and the inmate-addressee within seven calendar days of the decision to withhold, unless the managing officer determines that the notification will interfere with the conduct of a pending investigation.

(4) Decisions to withhold mail, including electronic mail, may be appealed in writing by the author to the managing officer or his designee within fifteen calendar days of the date of the mailing of the notification. The appeal should explain why the correspondence does not present a threat to the security and safety of the institution, its staff or inmates.

This never allowed here at MACF

never allowed here due process rights at MACF, WCT, LECT, RCI, MARCE, SACT, AOCI

- \* (5) The written appeal and the correspondence will be considered by the managing officer or designee who shall determine whether the correspondence will be withheld or delivered to the inmate.
- \* (6) Any correspondence withheld from an inmate-addressee will be retained during the pendency of the appeal or for the time in which an appeal may be filed.
- (7) If it is determined on appeal that the correspondence does not present a threat to the safety and security of the institution, its staff or inmates, the correspondence will be immediately delivered to the inmate-addressee.
- (8) If it is determined on appeal that the correspondence presents a threat to the safety and security of the institution, its staff or inmates, or, if no appeal is taken, the mail may be returned to the author, held as evidence for criminal prosecution or a disciplinary proceeding, or destroyed.

\* (I) Mail, including printed electronic mail, in the possession of an inmate may, when approved by the managing officer or his designee, be seized, read, and copied where a reasonable belief exists that it may contain evidence of a violation of federal or state law or departmental rules. If a staff member reasonably believes there is a present risk of destruction of such mail, it may be seized and forwarded to the managing officer or his designee for review.

(J) Advertising mail, commonly known as "junk mail" and advertising in the form of electronic mail, commonly known as "spam", which include, but are not necessarily limited to promotional offers, drawings, sweepstakes, lotteries and other promotional campaigns, which proposes a commercial transaction and which taken as a whole, is not a personal communication uniquely composed for a specific individual, may be withheld from the addressee. Junk mail may be returned to the sender if return postage is guaranteed, or it may be destroyed at the institution if not. No notice or other process need be provided to the addressee or the addresser in such circumstances, any other provision in this or any other rule of the Administrative Code notwithstanding. The only exception to this paragraph shall be for catalogues for mail-order purchases, as approved by the office of prisons, provided that the contents of the catalogue are subject to the screening criteria for printed materials in rule 5120-9-19 of the Administrative Code.

*So, it's ok they prosecute "us" but not "us" prosecute them?  
The ODAC routinely now considers most things Junk mail (business)*

Five Year Review (FYR) Dates: 7/3/2019 and 01/24/2024  
 Promulgated Under: 111.15  
 Statutory Authority: 5120.01  
 Rule Amplifies: 5120.05, 5120.36  
 Prior Effective Dates: 01/20/1973, 01/13/1979, 01/04/1988, 04/21/1989, 01/08/1991, 11/20/1995, 05/15/2004, 07/15/2011, 05/23/2014

**5120-9-18 Outgoing mail.**

- (A) There shall be no limitation on the number of letters that an inmate may send, nor shall there be any restrictions as to persons with whom an inmate may correspond, except as provided in this rule.
- \* (B) Postage and embossed envelopes shall be available for sale in the institution commissary. Inmates may send one letter each month at state expense. *They don't sell postage in commissary (stamps embossed ~ no singles)*  
*On 3/21 I used state letter to send to inmate Hogan,*  
*on 4/29 state ltr to inmate Kemer - Both returned 4/29 11pm retaliation*
- (C) Legal mail is mail addressed to an attorney at-law, a public service law office, a law school legal clinic, a court of law, or the correctional institution inspection committee. Such mail must be clearly addressed reflecting one of the above addressees and be marked "legal mail" by the inmate. *I put legal mail on all court ltrs, or personal ltrs which discuss court stuff.*
- (D) Electronic mail is offered to inmates as an additional means of communication. This form of communication is not suitable for confidential legal communications or legal mail. Inmates shall be instructed not to use electronic mail for confidential legal communications. "Legal mail" shall be restricted to the traditional mail format. Electronic mail cannot be accessed while an inmate is in special management housing.

*they would try to tell inmates to 'pay for postage, certified mail' 8930  
NOT to seal letters - due to their being NO34.*

\* (E) Inmates shall seal their own first class letters, except in instances where there is to be an enclosure of money or documents held by the institution.

(F) All outgoing mail, including electronic mail, shall be clearly identified by the sender's name, institution number and return address. Any outgoing mail not so identified may be opened and read for the purpose of identifying the sender. All outgoing letters from inmates shall be stamped on the front or back of the envelope with a stamp identifying:

- (1) That the letter is inmate correspondence; and
- (2) the sending institution's name and address.

(G) Inmates are prohibited from sending any letter or electronic mail:

- (1) That is threatening,
- (2) That incites, aids or abets or constitutes criminal activity or violations of departmental rules,
- (3) That is, or contains evidence of criminal activity or violations of departmental rules,
- (4) That is in code or cipher,
- (5) That would present a threat to the safety and security of the institution, its staff or inmates,
- (6) To any person who the inmate has been advised has notified the managing officer that he or she is being harassed by the inmate and does not want to receive correspondence from the inmate,
- (7) To any person, firm, association, or other entity for the purpose of soliciting funds or property without the prior approval of the managing officer. This provision does not apply to lawful requests made by an inmate for funds from an individual approved to send money to the inmate.
- (8) That contains funds being sent to any person not on the inmate's approved visiting list.

\* (H) Any violation of the preceding procedures and prohibitions by the inmate shall be considered a violation of the inmate rules of conduct and may result in disciplinary action. Sanctions for such violations may include a restriction of the inmate's mail privileges for a specific period of time. Any mail restriction imposed must be only the minimum required to prevent future abuses of the mail privilege. *ODR routinely self-imposed restrictions by retaliating as described in my court filing.*

\* (I) Except as provided in paragraph (E) of this rule, outgoing non-legal inmate letters may only be opened, read, copied, or withheld, and electronic mail may only be withheld when the managing officer or designee has a reasonable belief that the inmate's correspondence meets one of the criteria listed in paragraph (G) of this rule. In such cases the following procedures shall be followed: *Inmates suspect them all the time.*

(1) The managing officer or designee shall make a request in writing to the director or designee stating the name and number of the inmate, the reasons for believing that the mail meets the criteria listed in paragraph (G) of this rule, and the time period for which permission to open, read, copy or withhold the inmate's mail is sought.

(2) The director or designee shall review the request. The director or designee may order further investigation before granting or denying such request. If approved, the director or designee shall document such approval, the name and number of the inmate and the time period for which such approval is granted. Approval of the director or designee to open, read, copy or withhold such mail shall extend only to the managing officer or designee.

(3) The managing officer or designee shall then record on a log the following information for any outgoing non-legal mail that is approved to be opened: the sender's name and number, the dates of approval to open, read, copy or withhold, the name of the managing officer's designee, if applicable, the addressee, the date the mail is opened and reviewed, and any action taken as a result of the review.

(4) If, after reviewing such mail the managing officer or designee determines that it does not meet any of the criteria listed in paragraph (G) of this rule, the mail shall be promptly forwarded to the addressee. If the

correspondence is determined to meet one of the criteria listed in paragraph (G) of this rule, it may be copied and/or read and forwarded to the addressee or retained as evidence pursuant to an investigation and/or subsequent criminal or administrative proceeding, or returned to the inmate, as deemed appropriate by the managing officer or designee.

\* (5) In any case where the correspondence is determined to meet the criteria in paragraph (G) of this rule, and it would not hinder any ongoing investigation, the inmate shall receive written notice of the withholding of mail and or an appropriately issued conduct report. The notice or conduct report shall identify the correspondence by addressee, date or other description, and include an explanation as to why it is being withheld and/or a conduct report being issued. *double they'd notify*

\* (J) Outgoing legal inmate mail may only be opened if there is a reasonable belief that the mail contains contraband. In such cases the following procedures shall be followed: *Inmate Yaterga was told not to seal his outgoing legal mail which required the DRC to apply postage why?*

(1) Request in writing, as soon as practicable, to the director or designee approval to open said legal mail. The request shall include the name and number of the sender, the addressee's name and address as it appears on the envelope, and the reasons for believing the envelope contains contraband.

(2) The director or designee shall review the request and as soon as practicable, approve or disapprove the request. Such approval or disapproval shall be documented in writing and reflect the name of the director or designee approving or disapproving the request.

(3) If the request is denied, the mail shall be promptly delivered to the mail room and processed as outgoing mail without further delay. If the request is approved, the managing officer or designee shall immediately open the envelope in the presence of the sender. The contents may be inspected only to the extent necessary to determine if it contains contraband.

\* (4) If contraband is found, it shall be handled in accordance with rule 5120-9-55 of the Administrative Code. Any non-contraband contents shall immediately be returned to the inmate who shall be given the opportunity to reseal such contents in another stamped envelope provided by the managing officer or designee, to be taken to the mailroom to be processed as outgoing legal mail without further delay. *They never log what they take on chain of custody due process forms.*

(5) The opening and inspecting of any outgoing legal mail shall be documented on an outgoing legal mail inspector log. The managing officer or his designee shall record the name of the person inspecting the mail, the date of the inspection, the addressee, the sender's name and number, a description of any contraband found, the disposition of the contraband, and the date any non-contraband contents were mailed.

Five Year Review (FYR) Dates: 7/3/2019 and 01/24/2024

Promulgated Under: 111.15

Statutory Authority: 5120.01

Rule Amplifies: 5120.05, 5120.36

Prior Effective Dates: 01/12/1974, 03/24/1980, 01/04/1988, 04/01/1989, 04/25/1989 (Emer.), 07/17/1989, 11/20/1995, 05/15/2004, 04/01/2009, 07/15/2011, 09/17/2012, 05/23/2014

**5120-9-19 Printed materials.**

(A) As used in this rule:

\* (1) "Printed materials" means any publication, document or record including, but not limited to, the following: Newspapers, magazines, pamphlets, books, photographs, and drawings. Printed materials may be new or used.

*I recently ordered law book catalog, magazine, photos - not received - retaliation*  
(a) For purposes of this rule, the term "printed materials" does not include either personal letters; or

(b) Advertising mail as described in paragraph (J) of rule 5120-9-17 of the Administrative Code.

(2) "Operations support center publications screening committee (PSC)" means a group consisting of at least four reviewers, with at least one of the reviewers being from each of the following offices:

- (a) The office of prisons,
- (b) The office of the chief inspector
- (c) The division of legal services, and
- (d) The Ohio central school system

(B) An inmate may receive a reasonable number of printed materials subject to the following limitations:

- (1) All printed materials are subject to security inspection and review.
- (2) Printed materials may be received in reasonable quantities; but only, directly from a publisher or distributor. Inmates may receive printed materials from other sources (e.g., family, friends, etc.) only with the prior approval of the managing officer or designee.
- (3) An inmate may not receive or possess videotapes, compact discs, computer discs, or material in any other form or medium not otherwise authorized by this rule without prior approval from the managing officer or designee. *grandfathered music*
- (4) Each institution may establish and post regulations setting a maximum quantity of printed material which an inmate may possess.
- (5) No printed material shall be excluded solely on the basis of its appeal to a particular race, color, religion, sex, sexual orientation, military status, national origin, disability, age or ancestry audience.

\* (6) If any part of a publication or other printed material is determined to be excludable under this rule, then the entire publication or other printed material shall be excluded. Each edition or issue of a periodical must be examined. No general ban of periodicals shall be authorized. *A lie.*

\* (C) Printed material is excludable if it is deemed to be detrimental to, or to pose a threat to the rehabilitation of inmates; the security of the institution; or, the good order or discipline of the institution. Examples of such material include, but are not limited to printed material: *Given there is no rehabilitation only Retaliation - OARC should be called Ohio Dept of Retaliation AND correction.*

(1) Which facilitates, encourages, incites, promotes, or instructs in, criminal activity such as rioting or illegal drug use. *Given all OARC prisons currently promote, condone permit, allow drug use, drug sales - why limit this?*

(2) Which depicts, encourages, incites, or describes activities which may lead to, the use of physical violence against others. *Given OARC staff label grievance writers snitch, pedophile to get them beat up - or order inmates to assault others - why limit this?*

(3) Which depicts, describes the procedures for, or instructs in the making, using, or concealing of weapons. *Given OARC allow inmates to make them why prohibit*

(4) Which depicts, encourages, or describes methods of, escape, such as instruction in picking locks or digging tunnels.

(5) Which appears to be written in cipher or code, or that instructs in the use of cipher or code.

(6) Which is sexually explicit material that by its nature or content poses a threat to the rehabilitation of inmates, the security, good order, or discipline of the institution, or facilitates, or encourages criminal activity. Sexually explicit material includes material which: *worth less prove to be used as a cover all type.*

- (a) Depicts genitalia in a state of arousal, such as male erection, or exposure of the clitoris; or,
- (b) Depicts sexual activity including, but not limited to: fellatio, cunnilingus, masturbation, ejaculation, anal or vaginal sexual intercourse or penetration, or manual stimulation of genitalia; or,
- (c) Depicts or graphically describes sexual activity involving children; or,

(d) Depicts or graphically describes sexual activity involving sadism, sadomasochism, bondage, or bestiality, or excretory functions; or, *ODAC employees sadists too routinely beat inmates into submission. A guy got out after 8 yrs suffers PTSD, etc due to ODAC violence.*  
(e) Depicts or graphically describes sexual activity which involves an unwilling participant or in which a participant is the subject of coercion; or,

(f) As used herein, "graphically describe" means to describe a subject in a lurid manner focusing attention of such subject as the primary topic of the printed material.

(D) All printed material is subject to the following screening procedure:

(1) Initially, printed material shall be screened in the institution mail office.

(2) The mail office supervisor shall forward to the managing officer, or the managing officer's designee, any printed material which is reasonably believed to be excludable under the provisions of this rule.

(3) As soon as practicable, the managing officer, or the managing officer's designee, shall review the forwarded printed material and shall decide whether the printed material may be permitted into the institution or should be excluded under the provisions of this rule.

(4) If the managing officer or the managing officer's designee, determines that the material may be permitted into the institution, then the material shall be promptly forwarded to the inmate.  
*never*

\* (5) If the managing officer, or the managing officer's designee, determines that the material should be excluded from the institution, this decision shall be promptly forwarded to the inmate in writing. *never notified - They simply throw it out.*

\* (6) The written decision shall provide a brief explanation of the reasons for excluding the printed material. The explanation shall be sufficient to inform the inmate of the basis for the decision.

\* (7) The written decision shall also advise the inmate that he/she can either make an appropriate disposition of the printed material in accordance with paragraph (M) of this rule or request review by the PSC.

\* (8) The managing officer or designee shall maintain a record of such decisions for at least three years.  
*- where's this list for inmates to see*

\* (E) The inmate may request that the PSC review the managing officer's decision. The inmate shall make this request in writing and shall state any specific objections he/she has to the managing officer's decision.

*never given chance to do this - ODAC throws it away w/out notifying inmate.*  
(1) The inmate shall forward this request to the managing officer or the managing officer's designee, within fifteen days after receiving the managing officer's decision.

(2) Failure to timely request review of the managing officer's decision shall constitute acceptance of that decision and the printed material shall be disposed of in accordance with paragraph (M) of this rule.

(F) If the inmate timely requests review by the PSC, the managing officer or designee shall forward the printed material, together with the notice and written decision concerning it, and any written objections submitted by the inmate, to the PSC.

(G) The PSC shall consider the institution's reasons for excluding the material, the inmate's objections, and the criteria and standards set forth in this rule in conducting its review of the material. Printed materials can only be excluded if at least three members of the PSC agree that exclusion is appropriate. The PSC shall complete its review within a reasonable time and shall determine whether the material should be excluded or permitted and shall state the basis for that decision.

(H) If the PSC, determines that the printed material should be permitted, then that decision and its basis, shall be forwarded in writing to the managing officer or designee of the challenging institution, and the reviewed printed materials shall be promptly forwarded to the inmate requesting the review, through the managing officer or the managing officer's designee.

\* The PSC ~~can~~ always rubber stamps "Approved" denial of publication - There's never been occurrence when they sided for an inmate.

Always side against inmate - its called Retaliation

pg 304

→ (I) If the PSC, determines that the printed material should be excluded, that decision and the reasons therefore, shall be forwarded in writing to the managing officer or designee of the challenging institution along with the reviewed printed material. The managing officer or managing officer's designee shall notify the inmate requesting the review in writing of the decision and the basis.

(J) < nothing here intentionally - General Assembly is asleep >

(K) The director or the director's designee, the regional directors, the managing officer or the managing officer's designee may initiate a review by the PSC of any printed material for a determination whether the material should be excluded consistent with the provisions and procedures of this rule.

(L) Disqualification of a publisher or distributor: DRC may prohibit all printed materials from a specific publisher or distributor if the printed materials or associated packaging is repeatedly found to contain contraband or if any single printed materials package is found to contain significant contraband.

(M) Printed material which is excluded pursuant to this rule may be disposed of in any of the following manners:

(1) Upon the inmate's written request, the property may be destroyed or forwarded to an approved visitor at the inmate's expense. - Always gone without asking inmate.

(2) The property may be returned to the sender .

(3) The property may be held as evidence.

(4) The property may be disposed of in accordance with rule 5120-9-55 of the Administrative Code.

never logged chain of custody

Effective: 2/7/2020

Five Year Review (FYR) Dates: 1/24/2024

Promulgated Under: 111.15

Statutory Authority: 111.15

Rule Amplifies: 5120.01, 5120.425, 5120.426, 5120.427, 5120.428

Prior Effective Dates: 12/31/1976, 01/08/1991, 01/14/1993, 02/01/1999, 05/23/2014, 10/19/2019

### **5120-9-20 Visits by attorneys and inmate access to legal services.**

#### (A) Attorney visits

(1) Attorneys of record may visit inmates during regular visiting hours. Where there is no evidence of an attorney of record or when an attorney other than the attorney of record requests visiting privileges, the attorney must provide a copy of a written statement, redacting any confidential or privileged information, from the inmate or a member of the inmate's family requesting his legal services. An attorney wishing to visit may be required to furnish proof that he is licensed to practice law.

(2) When an attorney requests to visit with his clients on weekends or after regular visiting hours, at least one-day, advanced notice to the managing officer shall be made by such attorney. In the event an attorney is present at an institution and desires additional time (beyond regular visiting hours) to visit with his client(s), the attorney shall request such additional time from the managing officer. Such request shall be made within a reasonable time prior to the expiration of regular visiting hours. Such requests shall be liberally granted when the attorney can show sufficient reason why such visits are necessary.

(3) Law students, legal interns or legal investigators must be under the direct supervision of an attorney who shall be responsible for the activities of such person. Before admission to the institution is granted, that person must produce a written statement containing all of the following information:

(a) Name of the student, intern or investigator.

- (b) Name of the law school or program, if applicable.
- (c) Name and address of the supervising attorney.
- (d) Name of the inmate-client to be interviewed.

(4) Visits by attorneys, law students, legal interns, and legal investigators may be partially curtailed or totally banned during the existence of a critical incident as determined by the managing officer. However, the managing officer may, if security permits, authorize visits by attorneys during a critical incident in the following situations:

- (a) A personal interview of the inmate is absolutely necessary because of a rapidly approaching court date for which a continuance cannot be obtained.
- (b) Legal aid is necessitated by the conditions which caused the critical incident.

(5) Visits by attorneys will take place in a room designated for that purpose, subject to being visually monitored, but conversations shall not be monitored.

(6) An attorney of record may be permitted to visit up to three inmate-clients at one time, unless it is the opinion of the managing officer that such visit would be inappropriate due to an existing situation at the institution. In such event, the attorney shall be so notified and other arrangements made.

(7) Where an attorney requests to visit with a large number of inmates (e.g., cell-block or dormitory) who he does not explicitly represent, and who he does not name individually, the attorney shall be requested to submit in writing the names of those persons he wishes to meet. If the attorney is unable to produce the names of such inmates, he shall be given a reasonable amount of time to gather such information. Subsequent to the receipt of such names, a staff member shall contact each inmate so named and inform him of the presence of the attorney and of the attorney's request to visit with him. The inmate shall be asked if he desires to meet with the attorney. If the inmate declines, the inmate shall be asked to sign a statement to that effect and it shall be witnessed by a staff member. Under no circumstances shall an inmate be harassed, intimidated or in any manner influenced with regard to such a request. Any document so executed shall be immediately forwarded to the managing officer who shall forthwith have it placed in the inmate's file. The attorney shall also be shown this document upon request.

(B) Inmate access to legal services *retaliation*

- \* (1) It is the policy of the department of rehabilitation and correction to permit inmates reasonable access to legal materials and a reasonable opportunity to prepare legal documents. *< Not true - library closes frequently lock downs - under staffing*
- \* (2) Inmates in restrictive housing, limited privilege housing or protective control shall be afforded the same access to legal materials as those in general population, except that they may not go to the law library. In the event an inmate is not permitted access to the law library premises, legal materials shall be provided to the inmate on a reasonable basis. Such inmates may have such assistance from other inmates as is authorized by the managing officer.
- \* (3) Each institution shall establish a schedule of library hours when legal materials can be used. Where possible, evening and weekend hours shall be provided.
- \* (4) An inmate shall be permitted to purchase law books unless there is a compelling reason why he should not be able to do so. *At all DRC prisons that reason not allowed is to gain knowledge of the wrongs done by Ohio against them - not allowed to purchase at all*
- (5) Inmates shall be permitted to assist each other in the preparation of legal documents. However, it shall be a violation of institutional rules for an inmate to charge a fee of any kind for such services.
- \* (6) Inmates shall be permitted reasonable access to typewriters or may be assigned an inmate-clerk for the typing preparation of legal documents. *NEVER*
- \* (7) Inmates shall be permitted to contact attorneys to secure legal representation. The payment of attorney fees is a matter between attorney and client. Inmates who want to make confidential attorney-client telephone calls should make such requests to the managing officer or designee. *Am placing request Sat. 5/1 will see if permitted to or not.*



James M. Clive 412-660

MACT

1851 St St 56

PO Box 740

London, ON N3L1Y0

Mc. Hogan 617-890

MACT

1851 St St 56

PO Box 740

London, ON N3L1Y0

**INMATE FREE LETTER**

DFC 4052 (8/98)  
ACA 3-4431, 3-4262-4263

James M. Clive 412-660

MACT

1851 St St 56

PO Box 740

London, ON N3L1Y0

Mc. Hogan 617-890

MACT

1851 St St 56

PO Box 740

London, ON N3L1Y0

**INMATE FREE LETTER**

DRC 4052 (8/98)

ACA 3-4431, 3-4262-4263

AB 215

one amonth

P537

Greg Kamer 628-271

AO CI

P.O. Box 4501

Lima, Ohio 45802

P537



# DAVE YOST

OHIO ATTORNEY GENERAL

Constitutional Offices Section  
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Rec. 5/5/21

May 3, 2021

James M. Cline, #A418-660  
Madison Correctional Institution  
1851 State Route 56  
London, Ohio 43140

Re: *State ex rel. James M. Cline v. ODRC, et al.*  
Ohio Supreme Court, Case No. 2021-0429

Dear Mr. Cline,

Attached for your records is a copy of *Respondent And Interested Party's Motion To Dismiss Relator's Petition For Alternative Writ* filed electronically.

Very respectfully yours,

s/ *Ann Yackshaw* /dcr

Ann Yackshaw  
Assistant Attorney General

/dcr  
Enclosure

# In The Supreme Court of Ohio

State ex rel. JAMES M. CLINE,

Relator,

v.

OHIO DEPARTMENT OF REHABILITATION  
AND CORRECTIONS, et al.

Respondents.

:  
:  
: Case No. 2021-0429  
:  
: Original Action on Mandamus  
:  
:  
:  
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## RESPONDENT AND INTERESTED PARTY'S MOTION TO DISMISS RELATOR'S PETITION FOR ALTERNATIVE WRIT

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DAVE YOST (0056290)  
Ohio Attorney General

JAMES M. CLINE, #A418-660  
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*Counsel for Respondents*

# In The Supreme Court of Ohio

<i>State ex rel.</i> JAMES M. CLINE,	:
	:
<i>Relator,</i>	: Case No. 2021-0429
	:
v.	: Original Action on Mandamus
	:
OHIO DEPARTMENT OF REHABILITATION	:
AND CORRECTIONS, <i>et al.</i>	:
	:
<i>Respondents.</i>	:

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**RESPONDENT AND INTERESTED PARTY'S MOTION TO DISMISS  
RELATOR'S PETITION FOR ALTERNATIVE WRIT**

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NOW COME the Respondent, Madison Correctional Institution, and Interested Party, State of Ohio, on behalf of Ohio Department of Correction and Rehabilitation, Ohio Adult Parole Authority, and Governor Mike DeWine, who are additionally named respondents to this original action, by and through counsel, and hereby respectfully move the Court to dismiss Relator's Petition in its entirety pursuant to Civ.R. 12(B)(1) and (B)(6).

The grounds for this motion are more fully described in a memorandum in support of this motion that is attached hereto.

Respectfully submitted,  
 DAVE YOST (0056290)  
 Ohio Attorney General

*/s/ Ann Yackshaw*  
 \_\_\_\_\_  
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/s/ D. Chadd McKittrick

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*Counsel for Respondent, Madison Correctional  
Institution and Interested Party, State of Ohio on  
behalf of Ohio Department of Correction and  
Rehabilitation and Ohio Adult Parole Authority*

## MEMORANDUM IN SUPPORT

### I. INTRODUCTION AND BACKGROUND

Relator James Cline, Inmate #418-660 (“Relator”), is an inmate currently being housed at the Madison Correctional Institution, and he filed a *pro se* Complaint for an Alternative Writ with this Court seeking relief in response to his claims against the named respondents, Ohio Department of Correction and Rehabilitation, Ohio Adult Parole Authority, Madison Correctional Institution, and Governor Mike DeWine (“Respondents”). (Petition at p. 1). In essence, Relator seeks this Court to issue a writ compelling the Respondents to issue a decision regarding an application he submitted to the Parole Board within the Ohio Adult Parole Authority (“OAPA”).

Relator states in his petition he submitted an application for clemency to the OAPA on June 8, 2020. (Petition at p. 2). According to Relator, this is his second application for clemency. (*Id.*). Relator states he has not received a decision from either the Parole Board within OAPA or Governor Mike DeWine. (*Id.* at 2). Relator petitions the Court to compel a response from the Parole Board within OAPA and Governor Mike DeWine, in addition to a “Large meat lovers Pizza Hut pizza” and “32oz Pepsi” as compensation for their delay in issuing a decision on Relator’s application for clemency.

Relator admits in his petition that he failed to submit all the required materials with his clemency application. Specifically, Relator notes that he “could not afford to provide copies of nearly 200 pages of my sentence entry and indictments.” (*Id.* at 2). Because Relator submitted a deficient application, the Parole Board rejected his application for clemency. *See* Ex. A Parole Board Letter.<sup>1</sup> The Parole Board notified Relator of the petition’s deficiencies and invited him to resubmit an application with the proper supporting documents.

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<sup>1</sup> A motion to dismiss for mootness “may be proved by extrinsic evidence outside the record.” *Walker v. Russo*, 8th Dist. Cuyahoga No. 89769, 2007-Ohio-2912, ¶ 4. Because the Parole Board’s



Relator's petition should be dismissed on the basis that (i) this Court lacks subject-matter jurisdiction over Relator's petition and (ii) Relator failed to state a claim upon which relief may be granted.

## II. LAW AND ARGUMENT

### A. Legal Standards

This Court has routinely held that dismissal of a writ petition is required when “it appears beyond doubt, after presuming the truth of all material factual allegations and making all reasonable inferences in favor of the relators, that they are not entitled to the requested extraordinary relief in mandamus.” *State ex rel. Satow v. Gausse-Milliken*, 98 Ohio St.3d 479, 2003-Ohio-2074, 786 N.E.2d 1289, ¶11 (quoting *State ex rel. Rasul-Bey v. Onunwor*, 94 Ohio St.3d, 119, 120, 2002-Ohio-567, 760 N.E.2d 421). This standard is similar to the standard for Rule 12(B)(6) motions to dismiss for a failure to state a claim upon which relief may be granted. Under S. Ct. Pract. R. 12.01(A)(2)(b), parties to original actions, including actions for writs of mandamus and procedendo, may use the Ohio Rules of Civil Procedure to supplement this Court's Rules of Practice unless they are clearly inapplicable or conflict with the Court's Rules of Practice.

A Rule 12(B)(6) motion to dismiss for failure to state a claim upon which a court may grant relief challenges the sufficiency of the complaint itself. *Volbers-Klarich v. Middletown Mgmt., Inc.*, 125 Ohio St.3d 494, 2010-Ohio-2057, 929 N.E.2d 434, ¶11 (citing *Assn. for the Defense of the Washington Local Sch. Dist. v. Kiger*, 42 Ohio St.3d 116, 117, 537 N.E.2d 1292 (1989)). In considering a Rule 12(B)(6) motion to dismiss, one must accept the factual allegations stated within the complaint and other items properly incorporated therein as true, and the petitioner must be afforded all possible inferences. *Id.* at ¶12 (citations omitted). The movant may not rely upon allegations or

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rejection of Relator's clemency petition renders his petition moot, the Court may consider this extrinsic evidence here.

evidence outside the complaint, or else the motion must be treated as a summary judgment motion. *Volbers-Klarich*, 2010-Ohio-2057 at ¶11 (citing Ohio Civ. R. Pro. 12(B); *State ex rel. Natalina Food Co. v. Ohio Civ. Rights Comm.*, 55 Ohio St.3d 98, 99, 562 N.E.2d 1383 (1990)).

A motion to dismiss for mootness, however, “may be proved by extrinsic evidence outside the record.” *Walker v. Russo*, 8th Dist. Cuyahoga No. 89769, 2007-Ohio-2912, ¶ 4. A court loses subject matter jurisdiction over a case under Civ.R. 12(B)(1) when the case becomes moot. *Id.* An issue is moot when “it is or has become fictitious, colorable, hypothetical, academic, or dead.” *Tonti v. Hayes*, 6th Dist. Lucas No. L-05-1202, 2006-Ohio-2229, ¶ 28 (quotation and citation omitted). “The distinguishing characteristic” of a moot issue is that it involves “no actual genuine, live controversy, the decision of which can definitely affect existing legal relations.” *Id.* (quotation and citation omitted).

**B. Because Relator Submitted A Deficient Clemency Petition, Relator Is Not Entitled To The Requested Relief.**

Even after construing the facts stated within Relator’s petition in his favor, it is beyond doubt Relator can prove no set of facts entitling him to relief. “This Court has consistently held that in order for a writ of mandamus to issue the relator must demonstrate ‘(1) that he has clear legal right to the relief prayed for, (2) that respondents are under a clear legal duty to perform the acts, and (3) that relator has no plain and adequate remedy in the ordinary course of the law.’” *State ex rel. Berger v. McMonagle*, 6 Ohio St.3d 28, 29, 451 N.E.2d 225 (1983) (quoting *State ex rel. Harris v. Rhodes*, 54 Ohio St.2d 41, 42, 374 N.E.2d 641 (1978)). A relator seeking such extraordinary relief bears the burden of proving the entitlement “by clear and convincing evidence.” *State ex rel. Doner v. Zody*, 130 Ohio St.3d 446, 2011-Ohio-6117, 958 N.E.2d 1235, ¶¶55-57 (citing *State ex rel. Pressley v. Indus. Comm.*, 11 Ohio St.2d 141, 161, 228 N.E.2d 631 (1967), and *State ex rel. Henslee v. Newman*, 30 Ohio St.2d 324, 325, 285 N.E.2d 54 (1972)).

In this action, Relator clearly has no right to the relief prayed for. Additionally, Respondents have no clear legal duty to perform the act demanded by Relator. Finally, Relator has a clear and adequate remedy in the ordinary course of law. Because Relator failed to demonstrate all three elements necessary to prevail in an action for writ of mandamus by clear and convincing evidence, this Court should deny the writ of mandamus and dismiss this action.

While Relator is unclear in whether he specifically seeks a writ of mandamus or a writ of procedendo, Relator nevertheless fails to also satisfy the standard for obtaining a writ of procedendo. There are two requirements for a writ of procedendo that a relator must demonstrate: (1) a clear legal right for the judge to proceed in the underlying matter; and (2) the lack of an adequate remedy in the ordinary course of the law. See *State ex rel. Charvat v. Frye*, 114 Ohio St.3d 76, 2007-Ohio-2882, 868 N.E.2d 270, ¶ 13; see also *State ex rel. Weiss v. Hoover*, 84 Ohio St. 3d 530, 531-532, 705 N.E.2d 1227 (1999), citing *State ex rel. Sherrills v. Cuyahoga Cty. Court of Common Pleas*, 72 Ohio St. 3d 461, 462, 650 N.E.2d 899, 900 (1995). However, such a writ is not to be used “to control the exercise of judicial discretion.” *Glass v. Terry*, 8th Dist. Cuyahoga No. 91704, 2008-Ohio-3347, ¶ 3; see also *State ex rel. Levin v. Sheffield Lake*, 70 Ohio St. 3d 104, 106, 637 N.E.2d 319 (1994). Relator failed to demonstrate a clear legal right to proceed in his clemency petition, and this Court should therefore deny any writ of procedendo.

**C. Relator Failed To Demonstrate He Has The Right To Relief Prayed For.**

Article III, Section 11 of the Ohio Constitution grants the Governor of Ohio the authority to make decisions on clemency.

While the Ohio Constitution has given the Governor discretion to make decisions on clemency, the General Assembly is permitted to enact legislation as to the manner of applying for commutations and pardons, which it has done in Chapter 2967 of the Revised Code. The Court has further recognized that both the General Assembly and the judicial branch may not interfere

with the Governor’s exercise of the clemency power. *State ex rel. Maurer v. Sheward*, 71 Ohio St.3d 513, 518, 644 N.E.2d 369 (1994) (citing *State v. Morris*, 55 Ohio St.2d 101, 111, 378 N.E.2d 708 (1978) and *State ex rel. Whiteman v. Chase*, 5 Ohio St. 528, 535 (1856).

R.C. 2967.03 grants the OAPA sole discretion to consider applications and requests for pardons and commutations. *See, Swiss v. Ohio Pardon & Parole Comm.*, 117 Ohio App. 141, 191 N.E.2d 186 (10th Dist. 1963) (“allegations of the petition relate to matters involving discretion, exercise of which is vested exclusively in the commission.”). R.C. 2967.07 further mandates that written applications for pardons and commutations must be submitted to the OAPA, who shall then conduct a full investigation into the propriety of granting a pardon or commutation:

All applications for pardon, commutation of sentence, or reprieve shall be made in writing to the adult parole authority. Upon the filing of such application, or when directed by the governor in any case, a thorough investigation into the propriety of granting a pardon, commutation, or reprieve shall be made by the authority, which shall report in writing to the governor a brief statement of the facts in the case, together with the recommendation of the authority for or against the granting of a pardon, commutation, or reprieve, the grounds therefor and the records or minutes relating to the case.

R.C. 5120.01 grants the Director of the Department of Rehabilitation and Correction the ability to promulgate rules and regulations for the ODRC and OAPA. These rules are set forth in the Ohio Administrative Code. Under O.A.C. 5120:1-1-15, the OAPA has delegated that all applications for pardons and commutations shall be made in writing to the parole board within the OAPA. In turn, the OAPA further created specific rules regarding the process to consider applications for pardons and commutations. *See*, O.A.C. 5120:1-1-15. The OAPA has posted the application on its website, along with application instructions. *See* Clemency, Ohio Department of Rehabilitation and Correction, <https://www.drc.ohio.gov/clemency> (last visited Apr. 30, 2021). A copy of the application instructions available on the website is attached hereto as Exhibit B.

The only administrative rule regarding timing within O.A.C. 5120:1-1-15 concerns the amount of time in which the OAPA must notify the prosecuting attorney, the judge from the county in which the applicant was indicted, the victim, and the law enforcement agency from the underlying criminal matter before holding a hearing to consider pardon or commutation of a sentence. O.A.C. 5120:1-1-15. The administrative rules impose no limit on the time to consider an application.

Here, Relator failed to satisfy the requirements in applying for clemency in that he failed to attach proper documentation of his indictment and sentencing from his underlying criminal matter. *See* Ex. B at § 7 (requiring applicant to include indictment or bill of information and judgment entry of conviction and sentence). Relator admits as much in his complaint. He states that he filled out the forms required in the ODRC guidelines, but he also admits that he “could not afford to provide copies of nearly 200 pages of my sentence entry and indictments.” Compl. at p. 2. Accordingly, Relator did not submit a compliant application for clemency, and he has no right to demand that the OAPA process his admittedly deficient application.<sup>2</sup>

Because Relator failed to submit the required supporting documentation, the Parole Board rejected his clemency petition and notified Relator of same. *See* Ex. A. Simply put, the Parole Board’s rejection of Relator’s clemency petition renders this case moot. There is “no actual genuine, live controversy, the decision of which can definitely affect existing legal relations,”

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<sup>2</sup> To the extent Relator may be challenging the requirement to submit proper supporting documentation, he has no right to relief from the ODRC guidelines on clemency applications. Because guidelines are not constitutional provisions or statutes and have not been adopted as rules, they are not subject to mandamus relief or declaratory interpretation. *Chafin v. Ohio Adult Parole Auth.*, 10th Dist. Franklin No. 13AP-646, 2014-Ohio-1192, ¶ 16; *Curtis v. Ohio Adult Parole Auth.*, 10th Dist. Franklin No. 04AP-1214, 2006-Ohio-15, ¶27 (The OAPA’s use of internal guidelines do not alter the discretionary nature of issuing a decision; “guidelines place ‘no substantive limits on official discretion’” (citations omitted)).

because the Parole Board has already rejected Relator's incomplete clemency petition. *Tonti v. Hayes*, 6th Dist. Lucas No. L-05-1202, 2006-Ohio-2229, ¶ 2.

But even if the Court disregards the Parole Board's letter, Relator can point to no authority mandating that a clemency decision be issued within any particular timeframe. ODRC policy does not provide a specific limitation of time in which the Parole Board must issue a decision or referral to the Governor on an application for clemency. In no manner is the Governor limited in the time wherein he must issue a decision on clemency. Under Article III, Section 11 of the Ohio Constitution, the Governor has absolute discretion over how long he or she may take to issue a decision on an application for clemency. *State ex rel. Maurer*, 71 Ohio St.3d at 518. Nor does the Revised Code or the Ohio Administrative Code designate a specific time period within which the Parole Board must issue a decision on an application for pardon or commutation. Instead, the authority granted to the OAPA by the General Assembly under R.C. 2967.03 is purely discretionary. *State ex rel. Blake v. Shoemaker*, 4 Ohio St.3d 42, 446 N.E.2d 169 (1983); *State ex rel. Thompson v. Clark*, 7 Ohio App.3d 191, 192, 455 N.E.2d 6 (10th Dist. 1982) (citing *Wagner v. Gilligan*, 609 F.2d 866, 867 (6th Cir. 1979)).

Because there is no required duty for the OAPA or the Governor to issue a decision on an application for clemency within a specific time-frame, mandamus and procedendo will not lie where the complaint involves a matter of discretion. An inmate does not have a protected liberty interest or inherent right to clemency. *State ex rel. Kirkland*, 10th Dist. Franklin No. 05AP-1292, 2006-Ohio-6218, ¶18. The discretionary nature of the OAPA or Governor's decision on an application for clemency further does not deprive a protected liberty interest of an inmate. *Id.* See also, *State ex rel. Carpenter v. Mausser*, 10 Dist. Franklin No. 12AP-426, 2013-Ohio-1518 (holding authority designated to OAPA under R.C. 2967.03, such as the decision to grant or deny

parole, is discretionary, and the decision of the OAPA does not deprive an inmate of a protected liberty interest); *State ex rel. Kirkland*, 2006-Ohio-6218 at ¶19 (“The decision whether and when to grant parole lies within the absolute discretion of OAPA” under R.C. 2967.03); *Curtis*, 2006-Ohio-15 at ¶27 (an inmate is not deprived of a protected liberty interest as determination of parole lies within the absolute discretion of the OAPA (citations omitted)).

Because Relator has no right to command a decision on his clemency petition within a specific timeframe, because Relator admits that he failed to submit a complete petition, and because the Parole Board has already rejected his incomplete petition, Relator simply failed to demonstrate through clear and convincing evidence that he has a clear legal right to which he is entitled.

**D. None Of The Defendants Have a Clear Legal Duty To Act In This Matter As This Matter Is Moot.**

Relator’s application for clemency did not include the required documentation regarding his underlying indictment and sentencing. Accordingly, no Respondent has a clear legal duty to process a deficient application. And indeed, the Parole Board has already rejected Relator’s deficient clemency petition and invited him to resubmit. At this point, no Respondent owes any legal duty to Relator.

Moreover, Relator is incorrect in requesting the Court to compel relief from Defendants ODRC and Marion Correctional Institution. As previously stated, only the OAPA and Governor have authority to consider applications for clemency. Article III, § 11 of the Ohio Constitution; R.C. 2967.03. In whole, Relator failed to establish through clear and convincing evidence any defendant has a clear legal duty to act at this time.

**E. Relator Has A Clear And Adequate Remedy At Law.**

Relator has a clear and adequate remedy at law, as he can simply apply for clemency again, this time attaching documentation of his indictment and sentencing as required under application guidelines as determined by the ODRC. R.C. 2967.07; O.A.C. 5120:1-1-15. Provided Relator has properly applied for clemency, attaching the required documentation, the OAPA will then issue a decision or refer the application to the Governor to issue a decision. Either way, the OAPA and Governor have sole discretion in determining whether Relator should be granted clemency, as there is no clear legal right to the same.

**III. CONCLUSION**

Due to the foregoing, Respondent Madison Correctional Institution, and Interested Party, State of Ohio, on behalf of Ohio Department of Correction and Rehabilitation, Ohio Adult Parole Authority, and Governor Mike DeWine, who are additionally named respondents to this original action, respectfully request this Court to dismiss Relator's Complaint against them with prejudice.

Respectfully submitted,

DAVE YOST (0056290)  
Ohio Attorney General

/s/ Ann Yackshaw

ANN YACKSHAW (0090623)  
Senior Assistant Attorney General  
Constitutional Offices Section  
30 East Broad Street, 16th Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872 | Fax: 614-728-7592  
Ann.Yackshaw@OhioAGO.gov

*Counsel for Respondent Mike DeWine*



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Hardcopy

# **EXHIBIT A**

## **Parole Board Letter**

/s/ D. Chadd McKitrick

CHADD MCKITRICK (0073750)  
Senior Assistant Attorney General  
Criminal Justice Section, Corrections Unit  
30 E. Broad Street, 23rd Floor  
Columbus, Ohio 43215  
Tel: 614-644-7661 | Fax: 866-359-3383  
Daniel.McKitrick@OhioAGO.gov

*Counsel for Respondent, Madison Correctional Institution and Interested Party, State of Ohio on behalf of Ohio Department of Correction and Rehabilitation and Ohio Adult Parole Authority*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was electronically filed on May 3, 2021, and was sent by regular, first-class mail to:

James M. Cline, #A418-660  
Madison Correctional Institution  
1851 State Route 56  
London, Ohio 43140

/s/ Ann Yackshaw

ANN YACKSHAW (0090623)  
Senior Assistant Attorney General

June 25, 2020

James M Cline (A418-660)  
Madison Correctional Institution

Dear Mr. Cline,

We received your clemency request on June 12, 2020. Please note that we cannot accept your application for Executive Clemency due to the following:

- The Parole Board **WILL ONLY** accept an application completed on the DRC form.
- Application must be filled out (front and back) and must be legible.
- You must provide a copy of a valid Power of Attorney document if filing on behalf of another.
- The application must be an original.
- You need to complete the clemency form as instructed.
- You need to include the journal entry and sentencing information for the offense(s) for which you are requesting clemency. **Please include official copy of sentencing entry for Champaign County case #00CR163.**
- You need to include the indictment/bill of information (felony cases) or copy of your ticket/complaint (for misdemeanor cases) **Please include official copies of indictment(s) for Champaign County case #00CR163.**
- The cases for which you are applying for clemency must be for State of Ohio offenses not Federal. The Parole Board does not process application(s) pertaining to offense(s) committed outside the jurisdiction of the State of Ohio.
- OTHER: You may reach out to the Clerk of Courts of the convicting county to obtain the requested documents. If these documents are no longer available, please get a letter from the Clerk of Courts stating that and return all paperwork back to the Parole Board.**

Sincerely,

Ohio Parole Board  
Clemency Desk

Revised: December 2012

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4545 Fisher Road, Suite D  
Columbus, Ohio 43228  
[www.drc.ohio.gov](http://www.drc.ohio.gov)

United States\*  
**Census**  
**2020** | **BE COUNTED**  
 **Ohio**  
It's easy, safe and important.  
[Census.Ohio.Gov](http://Census.Ohio.Gov)

ps 54

**Ohio**

Department of  
Rehabilitation & Correction

Mike DeWine, Governor  
Annette Chambers-Smith, Director

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4545 Fisher Road, Suite D  
Columbus, Ohio 43228  
[www.drc.ohio.gov](http://www.drc.ohio.gov)


United States\* | **BE COUNTED**  
**Census 2020** |   
It's easy, safe and important.  
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Exhibit A, p | 2

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# **EXHIBIT B**

## **Application Instructions**

## OHIO PAROLE BOARD

### APPLICATION FOR EXECUTIVE CLEMENCY

#### INSTRUCTION AND GUIDELINES

The following includes information on the clemency application process.

#### STEP 1: REQUESTING AN APPLICATION

Applications for Executive Clemency may be obtained through the Department of Rehabilitation and Correction internet site at <https://www.drc.ohio.gov/clemency>. Written requests for applications should be sent to the Ohio Parole Board, Clemency Section, 4545 Fisher Road Suite D, Columbus, Ohio 43228. Please include an address to where the application can be mailed. Email requests for applications should be sent to [drc.clemency@odrc.state.oh.us](mailto:drc.clemency@odrc.state.oh.us).

#### STEP 2: FILING THE APPLICATION

All clemency applications must be submitted in writing to the Ohio Parole Board. Only those forms obtained from the Ohio Parole Board Clemency Section or its website will be accepted.

- A. Applications downloaded from other internet sites or obtained from other agencies will not be accepted and will be returned.
- B. Applications must be typed or printed legibly in black or blue ink. Utilization of an attorney in the clemency process is optional.
- C. The applicant, the applicant's attorney or the applicant's POA (Power of Attorney) must submit ONE (1) copy of the application with original signatures, along with ONE (1) copy of all attachments, to the Ohio Parole Board, Clemency Section, 4545 Fisher Road Suite D, Columbus, Ohio 43228.
- D. Attachments to the application will not be returned. Please only submit copies, not originals, of requested documents. Retain a copy of the application and supporting documents for your records.
- E. Please contact the Ohio Parole Board-Clemency Section- with any change of address or telephone number.
- F. The application, along with all attachments will be provided to the sentencing court and/or prosecuting attorney's office in the county of conviction, if requested by those parties. Any letters of support will not be released. Information that is not public record will be redacted from these documents prior to release.

#### STEP3: GUIDELINES FOR COMPLETING THE APPLICATION

**Sections 1 through 4:** Fill in all applicable identifying information. If applicable, provide maiden name or previous married names in section 1.

If paroled or released to post release control (PRC) or granted probation/community control, the applicant must provide a certificate of release or a journal entry granting probation/community control. If released from supervision, the applicant must provide the final release certificate or journal entry terminating probation/community control. These documents can be obtained from

**Section 9: Social History**

Please provide all applicable information, including current and past marital and partner status, children, associations, residence information, education, military history, substance use history and treatment

**Section 10:** Please list the applicant's current and prior employment information for the last five (5) years. If incarcerated, please list the applicant's employment information for the last five (5) years prior to incarceration.

**Section 11:** Please describe, in the applicant's own words, their crime or offense, including the reason and current perception of the offense behavior. Attach additional sheets if needed to fully explain.

List the names of any additional persons involved in the offense.

**Section 12:** Please indicate any participation in activities including volunteer work and other community involvement. If incarcerated, please describe any programming or work assignments that demonstrate assistance to other inmates or members of the public (e.g. tutor, community services projects, etc.)

**Section 13:** Please check the box(es) which best describes the reason clemency is being requested. If further explanation is necessary to address a specific hardship or need, the applicant may provide this additional information in a separate attachment and include it with the application packet.

**Section 14: (Attachments)** Attach letters in support of the applicant or other relevant documents. Attach all required court documents or parole documents. Attach copies of diplomas or certificates that may document the information provided above.

**Signatures:** Applications for Executive Clemency must be signed by the applicant. Applications prepared and submitted by the applicant's legal representative must also be signed by the legal representative. Other interested parties (e.g., parents, friends, etc.) cannot submit an application on behalf of an applicant, unless a Power of Attorney (POA) document is provided with the application.

**Clemency Request for Information:** Please sign and date the Clemency Request for Information form.

the Adult Parole Authority, the County or Municipal Probation Department, or Clerk of Courts Office and may require payment of a copying fee.

**Section 5:** Please check the box for the type of clemency being requested.

There are three (3) types of executive clemency:

A. PARDON: The forgiveness of guilt and punishment. A pardon can be full and complete or contingent upon the applicant meeting certain prescribed conditions. Pardons do not erase or seal a conviction; a pardon forgives guilt.

B. COMMUTATION: The reduction of a penalty to one less severe. The most common commutation applications are requests for the reduction of the minimum sentence to render the applicant parole eligible earlier, or the substitution of a lesser definite sentence to cause an earlier release date.

C. REPRIEVE: Temporary postponement of the execution of any sentence.

**Section 6:** If the applicant has previously applied for clemency, please check yes in this section.

Include, if possible, the month and year that the application was denied by the Governor. Please note that the Ohio Administrative Code 5120:1-1-15 dictates that if the parole board has received an application for pardon, commutation or reprieve for a person for whom executive clemency was denied within two years from the date the denial was issued by the governor, the parole board shall review the application to determine whether it contains any significant new information that was not and could not have been presented in the earlier application. If the application contains no such new information, the parole board shall return the application to the applicant. The parole Board shall inform the applicant of the date on which the applicant may reapply for consideration.

**Section 7:** Please provide the requested information concerning all arrests, including arrests outside of Ohio or for federal crimes. The applicant must also specify the offense(s) for which clemency is requested by checking the appropriate box. For a felony offense (in which clemency is sought) that resulted in a felony or misdemeanor conviction, the applicant must provide copies of 1) the indictment or bill of information and 2) the judgment entry of conviction and sentence. For a misdemeanor offense (in which clemency is sought) that resulted in a conviction, the applicant must provide copies of 1) the complaint or ticket and 2) the judgement entry of conviction and sentence. These documents can be obtained from the clerk of courts of the sentencing county and may require the payment of a copying fee. These documents cannot be provided by the institution record office as they are not the originators of the documents. If the clerk of courts is unable to provide the applicant a copy of the above required documents, please request the clerk provide a written explanation on letterhead as to why those documents are no longer available for release. The applicant should include the letter with their application.

**Section 8:** Please provide all applicable information regarding identification, current supervision status and any current charges pending or protection orders.





OHIO ATTORNEY GENERAL DAVE YOST  
30 E. Broad St.  
Columbus, Ohio 43215

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ABIS  
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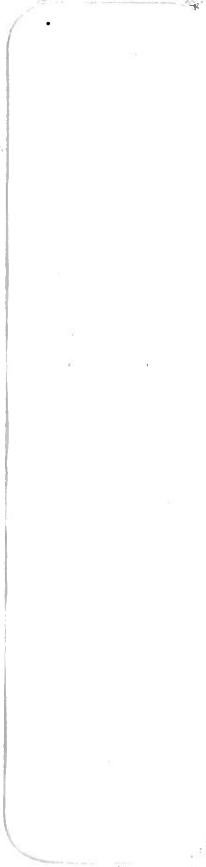


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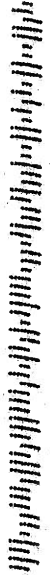


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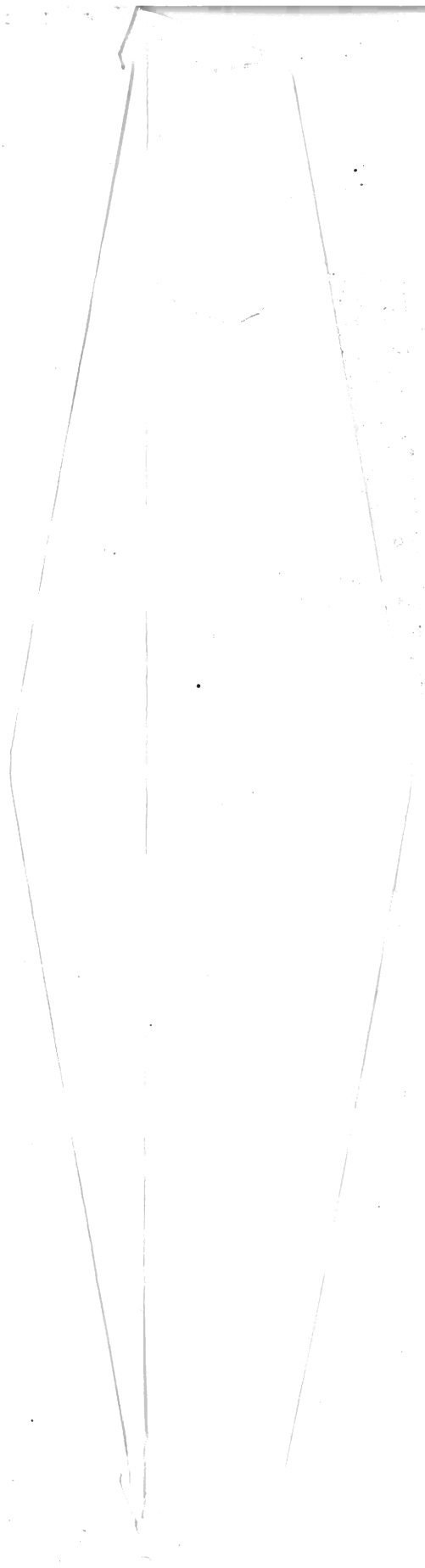
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pg 60



I did my part.

pls. to write my girl.

# The Columbus Dispatch

Do you have the policy talking visitation? visitation while in jail RH?

my inmate # is [redacted]

2 copies?

NEWS

## Ohio Supreme Court chief justice asks lawmakers to investigate state prison abuse claims

**Randy Ludlow** The Columbus Dispatch

Published 10:52 a.m. ET Mar. 19, 2021 | Updated 3:37 p.m. ET Mar. 19, 2021

Ohio Supreme Court Chief Justice Maureen O'Connor is asking a legislative committee to investigate two inmates' allegations of abuse by corrections officers at the Madison Correctional Institution.

In an unusual move, the court on Friday dismissed handwritten writs filed by the prisoners against state officials, but a justice wrote that O'Connor had forwarded their complaints to the joint House-Senate Correctional Institution Inspection Committee.

In actions filed against Department of Rehabilitation and Correction officials in November, the pair of prisoners alleged physical and mental abuse, threats and harassment and the use of racial slurs by corrections officers.

In a March 11 letter to committee chairman Sen. Nathan Manning, R-North Ridgeville, O'Connor wrote that if the inmates' complaints are true, "there is a very serious problem in the Department of Corrections.

"The level of maltreatment and violence meted out to the inmates is disturbing. I hesitate to even send this referral for fear that the inmates will be exposing themselves to retaliation by virtue of their contact with the Court," she wrote in asking the committee "take the appropriate action."

Manning said the committee's staff has requested information from prison officials about the inmates' allegations while conducting their own inquiry. "We will review it and do our due diligence," he said.

The court could not move on the cases of the prisoners due to legal deficiencies, but it does not mean their allegations "have fallen on deaf ears," Justice Michael Donnelly wrote in an opinion accompanying one of the dismissals.

"I applaud Chief Justice O'Connor's action of requesting that the CIIC investigate the allegations raised in this matter," Donnelly wrote.

JoEllen Smith, spokeswoman for the state prisons agency, said the inmates' allegations are being taken seriously and are being reviewed. The agency will cooperate with any inquiry by the Correctional Institution Inspection Committee, she said.

The inmates at the prison west of Columbus whose complaints of mistreatment have been forwarded to state lawmakers are Jake W. Faulkner III, 45, and James M. Cline, 53.

Faulkner is serving a near-seven-year sentence from Wood and Hancock counties for drug trafficking and other charges.

Cline is serving a 58-year sentence from Champaign County for 40 counts of telephone and internet harassment of women who spurned his interest, intimidation of victims, menacing and conspiracy to aggravated arson.

*rludlow@dispatch.com*

*@RandyLudlow*

# AFFIDAVIT OF VERITY

I, the undersigned, after being duly cautioned and sworn to my oath, depose and say that I am aware of the penalties of perjury and that any false statements made by me in the foregoing legal documents (incorporated herein) attached hereto will subject me to such penalties for perjury.

I further state that the allegations, averments, or contents of the legal documents (incorporated herein) are true, and correct to the best of my personal knowledge, information, and belief. I personally know this, witnessed, or experienced it, and testify that it is true.

County of madison

SS

State of Ohio

Respectfully Submitted

James M. Uli

Affiant

Sworn to and subscribed (or affirmed) in my presence  
this 4 day of January, 2021.

Margaret Lane  
Notary Public, State of Ohio

my commission expires: 7-18-2023

**AFFIDAVIT OF VERITY (Pursuant to O.R.C. 2969.25)**

I, the undersigned, after being duly cautioned and sworn to my oath, depose and say that I am aware of the penalties of perjury and that any false statements made by me in the foregoing legal documents (incorporated herein) attached hereto will subject me to such penalties of perjury.

I further state that the allegations, averments, or contents of the legal documents (incorporated herein) are true and correct to the best of my personal knowledge, information and belief. I personally know this, witnessed, or experienced it and testify it is true.

Listed below are any civil/Appeal (action) that I (an inmate) has filed in the previous 5 years in any state/federal court, or any (3 or more) civil actions/appeals within the preceding 12 months is listed below by COURT, CASE NO., TYPE of ACTION (civil/appeal/other), PARTIES, Description, at some date. I state clearly I do not file with any intent to be frivolous, or malicious. Attached also is my affidavit of indigence, financial disclosure, Prisons 6 month demand statement of my previous 6 month prison wages. (Attached by other sheets of paper are other case filings.)

COURT	CASE NO.	ACTION	PARTIES	DESCRIPTION	OUTCOME	DATE
1) Trial	2000-CR-163	2953.21/03	OH v Cline	post-conviction	Dismiss	1/21
Trial	2000-CR-163	2929.20	OH v Cline	Judicial	Dismiss	6/20
District	20CA18	Appeal	OH v Cline	Denied Judicial	Dismiss	12/20
2) Trial	20CA35	Habeas	OH v Cline	Habeas	Dismiss	1/2/20
3) 2nd Dist	20CA 31	2953.08	OH v Cline	Appeal	Dismiss	2/21
2nd Dist	20CA 36	Appeal	OH v Cline	Appeal	Dismiss	3/21
4) OH Sup Ct	1933	Inj/writ	ODRC v Cline	Injunct/writ	Dismiss	3/21 * Pending
OH Sup Ct	201930	Habeas	ODRC v Cline	Habeas	Dismiss	1/21
5) OH Sup Ct	201510	Judicial	OH v Cline	Deny Judicial	Dismiss	3/21 * Reconsider
OH Sup Ct	21-0576	writ	ODRC/boy v Cline	Covid test	Dismiss	7/21 * Reconsider
6) Trial	2000-CR-163	CR34	OH v Cline	Arrest Judgment	Dismiss	3/21
Trial	2000-CR-163	2945.79	OH v Cline	Neutral	Dismiss	3/21

\* - Flip pg - \*

County of madison  
 SS  
 State of Ohio

Respectfully Submitted  
Jane M. Clark  
 Affiant

sworn to and subscribed (or affirmed) in my presence this

22 day of January, 2021.

Morgan Malone  
 Notary Public - Ohio

my commission expires 7-18-2023

Court	Case #	Action	Parties	Description	Outcome	Date
Trial	2000-CA-163	Cr. F. / 6 (post)	OH v Cline	Post-discovery	Dismiss	3/21
2nd Dist	(pend)	Appeal	OH v Cline	new trial	pend	_____
2nd Dist	07-CA-02	26A/26B	OH v Cline	Reopen	pend	_____
2nd Dist	21-CA-06	writ	Cline v Clerk	mandamus	pend	_____
14 Sup Ct	21-429	DRC, APA, Gov	v Cline	about Clemency	pend	_____
<del>2000</del> Trial	2000-CA-163	1907.57 199.43	OH v Cline	document request	granted	<u>4/21</u>