

[Cite as *State ex rel. Avery v. Union Cty. Court of Common Pleas*, 125 Ohio St.3d 35, 2010-Ohio-1427.]

**THE STATE EX REL. AVERY, APPELLANT, v. UNION COUNTY**

**COURT OF COMMON PLEAS, APPELLEE.**

**[Cite as *State ex rel. Avery v. Union Cty. Court of Common Pleas*,  
125 Ohio St.3d 35, 2010-Ohio-1427.]**

*Appeal from dismissal of complaint for writ of mandamus — Mandamus not  
available to control judicial discretion — Judgment affirmed.*

(No. 2009-2346 — Submitted March 31, 2010 — Decided April 7, 2010.)

APPEAL from the Court of Appeals for Union County, No. 14-09-35.

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**Per Curiam.**

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Edward B. Avery Sr., for a writ of mandamus to compel appellee, Union County Court of Common Pleas, to grant his pending motion by causing his sentencing entry to “speak the truth.” “[M]andamus will not lie to control judicial discretion, even if that discretion is abused.” *State ex rel. Dreamer v. Mason*, 115 Ohio St.3d 190, 2007-Ohio-4789, 874 N.E.2d 510, ¶ 12. Therefore, mandamus will not issue to compel the common pleas court to enter a specific judgment on Avery’s pending motion. *State ex rel. Rashada v. Pianka*, 112 Ohio St.3d 44, 2006-Ohio-6366, 857 N.E.2d 1220, ¶ 3.

Judgment affirmed.

MOYER, C.J.,<sup>1</sup> and PFEIFER, LUNDBERG STRATTON, O’CONNOR,  
O’DONNELL, LANZINGER, and CUPP, JJ., concur.

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Edward B. Avery Sr., pro se.

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1. The late Chief Justice Thomas J. Moyer participated in the deliberations in, and the final resolution of, this case prior to his death.