

[Cite as *State ex rel. Miles v. Timmerman-Cooper*, 2008-Ohio-3811.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 91396

**STATE OF OHIO, EX REL.,
HASSAN K. MILES, SR.**

RELATOR

vs.

WARDEN DEB. TIMMERMAN-COOPER

RESPONDENT

**JUDGMENT:
COMPLAINT TRANSFERRED**

WRIT OF MANDAMUS
MOTION NO. 409131
ORDER NO. 411178

RELEASE DATE: July 30, 2008

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FOR RELATOR:

Hassan K. Miles, Sr., pro se
Inmate No. 542-935
London Correctional Inst.
P.O. Box 69
London, Ohio 43140

ATTORNEY FOR RESPONDENT:

Dierdra M. Howard
Assistant Attorney General
Corrections Litigation
150 East Gay Street, 16th Floor
Columbus, Ohio 43215

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PATRICIA A. BLACKMON, J.:

{¶ 1} Hassan K. Miles, Sr., the relator, has filed a complaint for a writ of mandamus. Miles seeks an order from this court, which requires Deb Timmerman-Cooper, Warden of the London Correctional Institution, to replace funds which were improperly removed from his inmate account.

{¶ 2} Sua sponte, we find that a review of Miles' complaint for a writ of mandamus demonstrates improper venue. Miles specifically seeks a writ of mandamus against the Warden of the London Correctional Institution, which is located in London, Ohio, Madison County. Miles' cause of action arose where Warden Deb Timmerman-Cooper conducts business and the alleged wrong occurred.¹

{¶ 3} Improper venue, however, does not mandate dismissal of the complaint for a writ of mandamus. Civ.R. 3(C)(1) warrants transfer of the complaint to the proper forum.²

{¶ 4} Accordingly, this action is transferred to the Twelfth Appellate District for Madison County, where venue is proper. Costs waived.

Complaint transferred.

PATRICIA A. BLACKMON, JUDGE

¹*State ex rel. Davis v. Ghee* (1998), 126 Ohio App.3d 569, 710 N.E.2d 1178. See, also, *State ex rel. Bickerstaff v. Ohio Adult Parole Auth.*, (Sept. 11, 1987), Scioto App. No. 1667.

²*Singleton v. Denny's Inc.* (1987), 36 Ohio App.3d 225, 522 N.E.2d 1097.

KENNETH A. ROCCO, P.J., and
CHRISTINE T. MCMONAGLE, J., CONCUR