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No. 26-6000

ORIGINAL

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Jeffery L. Howard — PETITIONER
(Your Name)

vs.

John R. Williamowski - et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Ohio Supreme Court | The Ohio Third District court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jeffery L. Howard
(Your Name)

P.O. Box 788
(Address)

Mansfield, Ohio 44901
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1) Did the Ohio Supreme Court, CASE NO. 2024-1645, Ohio Third District Court of Appeals, CASE NO. 9-24-36 violated Petitioner-J.L. Howard's substantive law Rights and equal protection Rights guaranteed by the Fourteenth Amendment of the U.S. Constitution, and Ohio Const., ART. 1, sect. 2, by Allowing the Third District Court of Appeal go outside its district contrary to Ohio Const. ART. IV, sect. 3(B)(2) & (B)(4) Ex , journal entry CASE NO. 9-24-36

2) Did the MARION County, Ohio Common Pleas Court, CASE NO. 2023-CV-339 violate Petitioner-J.L. Howard's substantive law Rights and equal protection Rights guaranteed by the Fourteenth Amendment of the U.S Constitution, and Ohio Const., ART. 1 Sect. 2, by Allowing the private corporation-Management & Training Corp(MTC) to circumvent the jurisdiction mandates of Ohio R.C. 2323.52(C) by filing a counter claim RATHER than a civil action

3) Did the Ohio General Assembly | Legislature violate Petitioner-J.L. Howard's substantive law Rights and equal protection Rights guaranteed by the Fourteenth Amendment of the U.S. Constitution, and Ohio Const., ART. 1, sect. 2, and the separation of powers, by AUTHORIZING the inferior Common Pleas Court to Reopen and overturn final orders | judgment of Ohio District Court of Appeals through Ohio R.C. 2323.52(D)(1), (F), (H), contrary to Ohio Const., ART. IV, sect. 4(B)

4) Is the Ohio R.C. 2323.52 "civil action to have person declared vexatious litigator' Restrictive orders," unconstitutional as applied, and an unconstitutional PRIOR RESTRAINT on speech / FIRST and Fourteenth Amendments

5) Did the Ohio Third District Court of Appeals, CASE NO. 9-24-36, and the Ohio Supreme Court, CASE NO. 2024-1645 violate Petitioner-J.L. Howard's substantive law Rights, and equal protection Rights guaranteed by the Fourteenth, First Amendment of the U.S. Constitution, and Ohio Const. ART 1 sect. 2, by Allowing the Third District Court of Appeals go outside its district to Review and overturn Ohio Tenth District Court of Appeals final judgment, violating Ohio Const. ART. IV, sect. 3(B)(2) & (B)(4)

6) Did the Common Pleas Court, MARION County, Ohio violate the Fourteenth Amendment, equal protection clause, and the substantive due process by bringing the private corporation Management & Training Corp(MTC) (which is defined as a person in Ohio R.C. 1.59(C)) under the purview of Ohio R.C. 2969.25, Redefining the private corporation as a "government entity" and "employee," Ohio R.C. 9.06

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1) John R. Willamowski, Judge

2) Matthew P. Fredricks, Judge

3) Michael C. Bear, Magistrate

RELATED CASES

1) Howard v. Mgmt. & Training Corp (MTC), App. No. 21AP-283 cited as 2022-Ohio-4071, Discretionary Appeal not Allowed, 169 Ohio St.3d 1458 (2023), Trial Ct. No. 2020-CV-2847, cited as 2021 Ohio Misc. Lexis 4500 (C.P. Franklin Cnty.)

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[✓] For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

[✓] reported at 178 Ohio St.3d 1458, 2024-1645, App. No. 9-24-36 or,
[ ] has been designated for publication but is not yet reported; or,
[✓] is unpublished.

The opinion of the Ohio Third District Court of Appeal court appears at Appendix B to the petition and is

[✓] reported at 9-24-036, 178 Ohio St.3d 1445; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[ ] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[✓] For cases from **state courts:**

The date on which the highest state court decided my case was Feb. 26, 2025. A copy of that decision appears at Appendix C.

[✓] A timely petition for rehearing was thereafter denied on the following date: April 29, 2025, and a copy of the order denying rehearing appears at Appendix D.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including Sept. 26, 2025 (date) on Aug. 8, 2025 (date) in Application No. 25 A 154.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1) United State Constitution, Fourteenth Amendment, sec. 1, ... 2,5,8
"... No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

2) Ohio Constitution, Article 1, section 2, 2,4,5,6,8
"... Government is instituted for their equal protection and benefit...."

3) Ohio Constitution, Article IV, section 3(B)(2) 10,16
"... Courts of appeals shall have such jurisdiction as may be provided by law to review and affirm, modify, or reverse judgments or final orders for the courts of record inferior to the Court of appeals within the district..."

4) Ohio Constitution, Article IV, section 3(B)(4) 10,16
"whenever the judges of a court of appeals find that a judgment upon which they have agreed is in conflict with a judgment pronounced upon the same question by any other court of appeals of the state, the judges shall certify the record of the case to the supreme court for review and final determination"

5) Ohio Constitution, Article IV, section 5(B) 3,8,9
"The Supreme Court shall prescribe Rules governing practice and procedure in all courts of the state, which Rules shall not abridge, enlarge, or modify any substantive right"

Ohio R.C. 2323.52(C) is substantive law and cannot be circumvented by Ohio Civ. R. 13(A) & (B). State ex Rel. Sapp. v. Franklin Cnty. Court of Appeals 118 Ohio St. 3d 368, P30 (2008)
Proctor v. Kardassilaris, 115 Ohio St. 3d 71, P.18-19 (2007)

6) Ohio Constitution, Article IV, section 4(B) 16
"The courts of common pleas and divisions thereof shall have such original jurisdiction over all justiciable matters and such powers of review of proceedings of administrative officers and agencies as may be provided by law"

one of Two
See Two of Two

CONTINUE CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

7) OHIO CONSTITUTION, ARTICLE II, section 32
DIVORCES And JUDICIAL Power
"The general assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred"

OHIO Revised Codes (R.C.) / STATUTES

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3717.01(N)
3723.01(E)

STATEMENT OF THE CASE

1) on or about 7/11/2025, Petitioner-Jeffery L. Howard submitted his "Application to extend the time to file a petition for a writ of certiorari," Application No. 25A154, Ex 1. On 8/8/2025 Justice Kavanaugh granted the extension to and including 9/26/2025, Ex 2

2) on or about 11/25/2024, Petitioner-Jeffery L. Howard file A "Complaint for a writ of mandamus, emergency peremptory writ of mandamus and prohibition," Case No. 2024-1645, Ex 3 12 pages. A "motion for an emergency peremptory writ of mandamus & prohibition and A STAY of the Marion County, Ohio Common Pleas Court decision, TR.CRT. CASE NO. NO. 2023-CV-339, and A STAY of the Third District Court of Appeals decision, App.CRT. CASE NO. 9-24-036", Ex 4. See Ohio Supreme Court CASE No. 2024-1645, cited as 177 Ohio St. 3d 1445 (2025) mandamus and prohibition denied. APP. C, Reconsideration denied at 178 Ohio St. 3d 1458

3) on or about 3/6/2025, Petitioner-Jeffery L. Howard timely filed "Relator-Howard's motion for Reconsideration, S. Ct. Prac. R. 18.02," it was denied on 4/29/2025. APP D. The Ohio Revised Code (R.C.) 2323.52, which is substantive law, does not allow for Appeal of a trial Court's vexatious litigator determination. R.C. 2323.52 (G), (H), (I)

4) on or about 8/29/2023, the private corporation-management & Training Corp (MTC) et al., filed an "Answer of Defendants to Plaintiff's complaint and counterclaim Against Plaintiff," Ex 5 accompanied by a "Brief in support of counterclaim to have Jeffery Howard declared a vexatious litigator," Tr. Crt. CASE No. 2023-CV-339, Ex 6

STATEMENT OF THE CASE CONTINUED

5) The Ohio Revised Code (R.C.) 2323.52(C) is substantive law and its jurisdictional requirement plainly and unambiguously mandates,

> A civil action to have a person declared a vexatious litigator shall proceed as any other civil action and the Ohio Rules of Civil Procedure apply to the action.

6) The Ohio Supreme Court in State ex rel. Sapp v. Franklin County Court of Appeals, 118 Ohio St. 3d 368, ¶30 (2008) held

> "... It is well established that statutes establishing subject matter jurisdiction, which create and define the rights of parties to sue and be sued in certain jurisdictions, are substantive law" Proctor v. Kardassilaris, 115 Ohio St. 3d 71, ¶18 (2007)
>
> R.C. 2323.52 affects the rights of those persons declared to be vexatious litigators to sue or to continue preexisting suits. "Consequently, it is substantive rather than procedural.
>
> Therefore, even if we did find that the statute and the Rules conflict, R.C. 2323.52 would control.

7) The Ohio Supreme Court, CASE No. 2021-1645, cited as 177 Ohio St. 3d 1445, the Ohio Third District Court of Appeals, CASE No. 9-24-036, and the Ohio Common Pleas Court, MARION County, TR. CRT. CASE No. 2023-CV-339 All blatantly violated Petitioner-Jeffery L. Howard's, equal protection Rights, and equal Rights As A Class-of-one under the United States Fourteenth Amendment of the Constitution, and the Ohio Constitution, Article 1, section 2.

8) Petitioner-Jeffery L. Howard's substantive due process Rights and protection was violated, Along with petitioner's due process Rights and protection under the U.S. constitution 14th Amendment.

9) The Ohio Supreme Court, CASE No. 2024-1645, the Ohio Third District Court of Appeals, CASE No. 9-24-036, and the Ohio Common Pleas Court, MARION County, CASE No. 2023-CV-339 violated Petitioners equal protection rights guaranteed by the U.S. Constitution 14th Amendment, and Ohio Constitution, ART. 1, sect 2 by allowing the private corporation-management & TRAINING Corp. (MTC) et al, to circumvent substantive law with procedural Civil Rules.

10) The Ohio Supreme Court examined another substantive law statute in PROCTOR V. KARDASSILARIS, 115 Ohio St.3d 71, at "OVERVIEW", [P17, 18, 19] held

[P17] "... Thus, if a Rule created pursuant to Section 5(B) ARTICLE IV, Ohio Constitution conflicts with a statute, the Rule will control for procedural matters, and the statute will control for matters of substantive law. See Boyer V. Boyer (1976), 46 Ohio St.2d 83, 86..."

[P18] "... It is well established that statutes establishing subject matter jurisdiction, which create and define the rights of parties to sue and be sued in certain jurisdictions, are substantive law.

"If the statute is jurisdictional, it is a substantive law of this state, and cannot be abridged, enlarged, or modified by the Ohio Rules of Civil Procedure." AKRON V. GRAY (1976) 47 Ohio St.2d 164, 165-166, see also MALLOY V. WESTLAKE (1977) 52 Ohio St.2d 103, 104-105

[P19] Because R.C. 5501.22 is substantive law, it controls over the procedural Rules on the mandatory and permissive filing of counterclaims in Civ. R. 13(A) and (B)

11) The Ohio Courts permitted the private corporation-management & TRAINING CORP (MTC) et al, to use the procedural provisions in Ohio Civ. R. 13 to circumvent the mandatory jurisdictional requirements.

REASONS FOR GRANTING THE PETITION

1) The Ohio General Assembly Legislature violated Petitioner-J.L. Howard's equal Protection Rights guaranteed by the U.S. Fourteenth Amendment and As A Class-of one, Ohio Constitution, ARTICLE 1, section 2, by overturning a final judgment of the COURT of Appeals

2) On or About 3/20/2020, petitioner-J.L. Howard filed A Civil Action and Compliant for declaratory judgment to the Franklin County Common Pleas Court, Franklin County Ohio, TR. CRT. CASE NO. 2020-CV-2847, App. CRT. CASE No. 21AP-283, Reversed, cause Remanded At Cite No. Howard v. Mgmt. & Training Corp., 2022 Ohio 4671 (10 dist)

3) The private corporation-management & TRAINING CORP (MTC) (which operates and manage A state prison (North Central CORR. Institution) under A contract pursuit to Ohio Revise Code (R.C.) 9.06) appealed the Ohio Tenth District Court of Appeals decision to the Ohio Supreme, CASE No. 2022-1644 Appeal not accepted cited At 169 Ohio St. 3d 1458 (2023)

4) The private corporation single issue on Appeal to the Ohio Supreme Court was, it is A "government entity" and "employee" under Ohio Revise Code (R.C.) 2969.25, which both the Appeals court CASE No. 21AP-283, and the Supreme Court CASE NO. 2022-1644, Rejected. Ex. "100-A" OPERATION, MANAGEMENT And PURCHASE of CORRECTIONAL FACILITIES, RFP Number: CSP 901412, which clearly states

> Management & Training Corporation Agrees that it is A separate and independent enterprise from the STATE of OHIO, the AGENCY, and the DEPARTMENT of ADMINISTRATIVE SERVICES

5) Management & Training Corp. (MTC) et Al., did not challenge the venue issue on Appeal. Ohio Rules of Civil Procedure, Civ. R. 3(C). Morrison v. Steiner, 32 Ohio St. 2d 86 (1972), Bruce v. Bruce, 2012-Ohio-45, [P18] (3d dist) citing

CONTINUED REASONS FOR GRANTING THE PETITION

Lorenz Equip Co. v. Ultra Builders, Inc., 1993 Ohio App. Lexis 1183 [*4], HN4 (3dist) (A judgment may be reversed and remanded solely due to an error concerning venue).

6) Petitioner-J.L. Howard filed a "Motion for Default Judgment" in Howard v. Mgmt. & Training Corp. (MTC) et al.; TR. CRT. CASE No. 2020-CV-2847, App. CRT. No. 21AP-283, 2022-Ohio-4071, 169 Ohio St. 3d 1458 (Ohio 2023), because defendants did not timely file an "answer" but instead filed a "motion to dismiss" based on a frivolous and meritless argument that R.C. 2969.25 applies to management & Training Corp. (MTC) et al.

7) The Ohio Supreme Court decision in State ex Rel. Ohio Civ. Serv. Emples. Ass'n v. State, 146 Ohio St. 3d 315, [P62], [P64] (2016) clearly held

> The determination whether employees working at North Central Corrections Complex are public employees, as defined in R.C. 4117.01(C), and are therefore entitled to the benefits and protections afforded to bargaining-unit members under the CBA depends "entirely on the provisions of R.C. chapter 4117, over which SERB has exclusive original jurisdiction"

8) The Ohio General Assembly/Legislature violated Petitioner-J.L. Howard's equal protection Rights guaranteed by the U.S. Fourteenth Amendment and as a class-of-one, Ohio Constitution, Article 1, section 2, by directly and indirectly authorizing lower courts to overturn Ohio Court of Appeals final judgments and by authorizing Ohio Court of Appeals to overturn Ohio Court of Appeals in different districts violating the separation of powers doctrine.

9) On or about 8/29/2023 the private corporation/contractor-management & Training (MTC) filed an "Answer of defendant's to Plaintiff's compliant and counterclaim against Plaintiff," Ex 7. A "Brief in support of counterclaim to have Jeffery Howard declared a vexatious litigator," Ex 8, TR. CRT. CASE No. 2023-CV-339

CONTINUED REASON FOR GRANTING THE PETITION

10) The Common Pleas Court, MARION County, Ohio, CASE No. 2023-CV-339 blantenly violated Petitioner- J.L. Howard's substantive due process and equal protection Rights, U.S. Fourteenth Amendment and Ohio Constitution, Article 1, section 2, by permitting the private the corporation/contractor to file a "counter claim" under Ohio Revised Code(R.C.) 2323.52(C), to declare Petitioner A vexatious litigator.

11) The Ohio Revised Code(R.C.) 2323.52(D)(1)(a)(b), (F)(1), (H) et al., clearly impermissibly allows the Ohio General Assembly/ legislature to Reopen, Review and overturn final court decisions

12) The Ohio Supreme Court in State v. Bodyke, 126 Ohio St. 3d 266, 275-278 II.B.1. at "Separation-of-Powers Doctrine," and State v. Henderson 161 Ohio St. 3d 285, [P29] (2020) citing Bartlett v. State, 73 Ohio St. 54, at 58 (1905), United States v. O'Grady, 89 U.S. (22 Wall) 641, 647-48 (1874)

> It is well settled that a legislature cannot enact laws that Revisit a final judgment. We have held for over a century that "the Legislature cannot annul, Reverse, or modify a judgment of a court already Rendered. Henderson [P42]
>
> "Judicial jurisdiction implies the power to hear and determine a cause, and *** Congress cannot subject the judgments of the Supreme Court to the Reexamination and Revision of any other tribunal or any other department of the government." O'Grady

13) The Ohio General Assembly/ legislature enactment of Ohio Revised Code(R.C.) 2323.52, "Civil Action to declare person vexatious litigator" violated the "separation of powers doctrine," Ohio Constitution, Article II, section 32, Article II, section 1. Id Bodyke, and Henderson [P42], See Also Bank Markazi v. Peterson, 578 U.S. 212 (2016)

CONTINUED REASONS FOR GRANTING THE PETITION

14) The Ohio Supreme Court in State ex Rel. Cincinnati Enquirer v. Bloom, 177 Ohio St.3d 174, [*189], [P46] held

> Rather, we hold simply that a statutory enactment cannot trump a constitutional provision
>
> Ultimately, "the Constitution is the supreme law; it is the expression of the will of the people, ... neither the Legislature by legislative enactment, nor the courts by judicial interpretation, can repeal or modify such expression or destroy the plain language and meaning of the Constitution..."

15) The Ohio Supreme Court has further violated Petitioner-J.L. Howard's equal protection Rights and substantive due process, and the plain and unambiguous language in the Ohio Constitution, ARTICLE IV, section 1, ARTICLE IV, section 4, and State ex Rel. Cordray v. Marshall, 123 Ohio St.3d 229, [*P32] (2009) citing State ex Rel. Potain v. Matthews, 59 Ohio St.2d 29, 32 (1979) clearly prohibits the process in R.C. 2323.52 of overturning Appeal Courts final judgments

> "we have expressly held that the Ohio Constitution does not grant to a court of common pleas jurisdiction to review a prior mandate of a court of appeals." State ex Rel. Heck v. Kessler, 72 Ohio St.3d 98, 104 (1995)

16) The Ohio Constitution, ARTICLE IV, section 1, as expressed in State ex Rel. Johnson v. Taulbee, 66 Ohio St.2d 417, HN4 (1981) has been blatantly ignored along with Petitioner-J.L. Howard's substantive and equal protection Rights. Howard v. Mgmt. & Training Corp (MTC) et al., 21AP-283, 2022 Ohio 4071 (10 Ohio Dist), was overturned by an inferior court. Id. Taulbee

> Courts of general jurisdiction, whether named in the constitution or established pursuant to thereof, possess all powers necessary to secure and safe guard the free and untrammeled exercise of their judicial functions and cannot be directed, controlled or impeded therein by other branches of the government.

CONTINUED REASONS FOR GRANTING THE PETITION

17) Petitioner-J.L. Howard's substantive due process rights and equal protection Rights guaranteed by the U.S. Constitution Fourteenth Amendment and Ohio Constitution, Article 1 Section 2, as a Class-of-one was violated

18) The Ohio Supreme Court, CASE No. 2024-1645, 177 Ohio St.3d 1445; the Ohio Third District Court of Appeals, CASE No. 9-24-036; and the Common Pleas Court, Marion County, Ohio, CASE No. 2023-CV-339 did not hold the private corporation-Management & Training Corp (MTC) et al., to the jurisdictional requirement of the statute R.C. 2323.52(C)

19) The plain and unambiguous language of R.C. 2323.52(C) clearly requires that a civil action be commenced, the mandatory language

> A civil action to have a person declared a vexatious litigator SHALL proceed as any other civil action, and the Ohio Rules of Civil Procedure apply to the action.

20) The Ohio Revised Code (R.C.) 2323.52 ... it is substantive rather than procedural. Therefore, even if we did find that the statute and the Rules conflict, R.C. 2323.52 would control. Id. State ex Rel. Sapp. 118 Ohio St.3d 368 [*P30] (2008); and Ohio Civil Rule of Procedure (Civ.R.) 13(A) and (B) mandatory and permissive filings of counterclaim cannot be used to circumvent the mandatory jurisdictional requirements of R.C. 2323.52(C). Proctor v. Kardassilaris, 115 Ohio St.3d. 71, [*P18-*P19] (2007)

21) The Ohio Constitution, Article IV, section 5(B) provides

> The Supreme court shall prescribe Rules governing practice and procedure in all courts of the state, which Rules SHALL not Abridge, enlarge, or modify any SUBSTANTIVE RIGHT.

CONTINUED REASONS FOR GRANTING THE PETITION

22) Petitioner-J.L. Howard's substantive due process and equal protection rights guaranteed under the U.S. Constitution Fourteenth Amendment and First Amendment rights and Ohio Constitution Article I, section 2 by allowing the mandatory jurisdictional Requirement to be circumvented and ignored by MANAGEMENT & TRAINING CORP (MTC) et al., R.C. 2323.52(C)

23) The Ohio Supreme Court, CASE NO. 2024-1645, the Ohio THIRD DISTRICT Court of Appeals, CASE NO. 9-24-036, and the Common Pleas Court MARION County, Ohio, CASE NO. 2023-CV-339, allowed Petitioner-J.L. Howard's substantive due process, First Amendment Right to access the courts, and equal protection to be abridged and denied. CLARK v. Adult Parole Auth., 151 Ohio St. 3d 522, ¶P15 (2017) citing Willowbrook v. Olech, 528 U.S. 562, 564 (2000)

24) Petitioner-J.L. Howard has been intentionally treated differently and there is no rational basis for the difference in treatment. Id. Olech 564 citing Sioux City Bridge Co. v. Dakota County, 260 U.S. 441 (1923), Allegheny Pittsburgh Coal Co. v. Commission of webster Cty., 488 U.S. 336 (1989)

25) The Ohio Revised Code (R.C.) 2323.52(C), and Ohio superior courts decisional law require that a "Civil Action" be filed and commence, because R.C. 2323.52(C) is "substantive law" that cannot be circumvented by the procedural provisions of Ohio Civil Rule 13 (A) & (B) (Civ.R. 13(A) & (B)). Id. State ex rel. Sapp, 118 Ohio St. 3d 368 ¶P30 (2008), KARDASSILARIS, 115 Ohio St. 3d 71, ¶P18-P-19 (2007), Ohio Const., Art. IV, Sect. 5(B)

> The Supreme Court shall prescribe Rules governing practice and procedure in all Courts of the State, which Rules SHALL not Abridge, enlarge, or modify any substantive Right.

CONTINUED REASONS FOR GRANTING THE PETITION

26) Ohio Revised Code (R.C.) 2323.52(C) IS UNCONSTITUTIONAL AS Applied to Petitioner- J.L. Howard, because NO CIVIL ACTION is filed, NOR A Complaint Ohio Civ.R. 3(A)

27) The Ohio Courts has used this substantive law to paralyze and deny access to the courts to litigate meritorious claims. Seven Cnty. Infrastructure Coal. v. Eagle Cnty., 145 S.Ct. 1497, 1507, (2025) (2025) the Ohio R.C. 2323.52(C) is unconstitutional as applied to Petitioner- J.L. Howard. Cath. Charities Bureau, Inc. v. Wis. Lab. & Indus. Rev. Comm'N., 605 U.S. 238, 241, Syllabus (C)(2025), Minn. Voters All. v. Mansky, 585 U.S. 1, HN 12, [*21-*22] (2018)

28) The Ohio Substantive Law Statute R.C. 2323.52(C) is unconstitutional as applied. The jurisdictional Requirement of R.C. 2323.52(C) is unequally applied, and the Ohio Supreme Court and Ohio Third District Court of Appeals blatantly ignored the Ohio Const., Art. IV, sect. 3(B)(4)

> Whenever the judges of a court of Appeals find that a judgment upon which they have agreed is in conflict with a judgment pronounced upon the same question by any other court of Appeals of the state, the judges shall certify the record of the case to the Supreme Court for Review and final determination

29) The following Ohio Appeal Court Cases are in conflict with the Ohio Third District Court of Appeals, State ex Rel. Howard v. M.P. Fredricks- Judge et al., 9-24-36, and Ohio Common Pleas Court, State v. Capt. Brian Elliot et al., 2023-CV-339.

30) Ohio Court of Appeals Cases that Require A "Civil Action" be filed under R.C. 2323.52(C)

A) State v. Askew, 2015-Ohio-4125, [*P21-25] (5 dist) (Citing Kinsthe. R.C. 2323.52(C) unambiguously Requires the commencement of A "Civil Action"

CONTINUED REASONS FOR GRANTING THE PETITION

B) Tillimon v. French, 2017-Ohio-7647, *P17, *P24 (6dist) (citing Kinstle pursuant to Civ.R. 3, and for purposes of R.C. 2323.52, a civil action is commenced by filing a complaint ... citing Mayer v. Bristow, 91 Ohio St.3d 3, *47

C) Kinstle v. Union Cty. Sheriff's Office, 2007-Ohio-6024, *P9 (3dist) (Pursuant to Civ.R. 3, a "civil action is commenced by filing a complaint with the court." Clearly, filing a motion in a pending cause of action is not the equivalent of "commencing a civil action" as intended by both R.C. 2323.52 and Civ.R. 3

D) Askin v. Askin, 2013-Ohio-5604, P14 (10dist) (citing Kinstle, R.C. 2323.52 unambiguously requires a party to commence a civil action by filing a complaint). Ex counterclaim, Ex , Brief in support

31) Petitioner's substantive due process and equal protection Rights under the Fourteenth Amendment and Ohio Constitution Article 1, Section 2 because court did not have personal jurisdiction in absense of a complaint being filed and served

32) Ohio Rules of Civil Procedure 3(A) (Civ.R.3A) Commencement

A civil action is commenced by filing a complaint with the court, if service is obtained within one year from such filing...

33) The filing of a complaint invokes a court's jurisdiction. State ex Rel. Andrews v. Lake Cnty. Court of Common Pleas, 170 Ohio St.3d 354, P28 P.37 P40 (2022), Simindinger v. Meeker, 2021 Ohio 3274, P27 (3 dist), Messenger v. State, 2020-Ohio-851, P11-P12 (3dist), State, ex Rel. Hadley v. Pike, 2014-Ohio-3310, P10 (7dist)

In Ohio, a civil action is commenced by filing a complaint with the court, Civ.R. 3(A). Proper filing of a complaint invokes the jurisdiction of the court over a matter. In re Abee v. Merryman, 2013-Ohio-5291, P16 (7dist)

34) The Ohio Supreme Court, Appellate court, and Trial court all blatantly disregard substantive law mandatory jurisdiction requirements of Ohio Revised code (R.C.) 2323.52(C), and Ohio Civil Rule 3(A), Hughes

CONTINUED REASONS FOR GRANTING THE PETITION

34) v. Ohio DOC, 114 Ohio St.3d 47, [P11], [P18-19], at syllabus 1 (2007), an attached a harsh restriction on Petitioner-J.L. Howard's First Amendment Rights, and Right to Access the Courts. Nor was the clear and convincing evidence standard met. In Re T.D.H., 2016 Ohio 893, [P7] (8dist)

35) Petitioner-J.L. Howard's equal protection Rights as a class of one was violated and the Ohio Supreme blantantly disregarded Petitioner's substantive Rights and failed to comply with the plain unambiguous language of statutes and superior court decisional law

36) The Common Pleas court, Marion County, Ohio improperly permitted the private corporation-Management and Training Corp. (MTC) et al, to file a counter claim and a Brief in support to have Petitioner declared a vexatious litigator, Ex 5, & Ex 6, Howard v. Brian Elliot et al., 2023-cv-339.

37) The private corporation-Management & Training Corp (MTC) contracts with the Ohio Department of Rehabilitation & Corrections (ODRC) to operate and manage its North Central Corr. Inst./Complex (NCCI) pursuant to Ohio Revised Code (R.C.) 9.06 (A)(1)(2), (A)(4), (B)(1), (2)(a-d), (B)(3), (B)(15)(16)(17), (C)(D)(E), (M)(4), Ex "100-A", see also R.C. 1701.01(G), R.C. 1.59(C) R.C. 1.60, R.C. 2901.01(B)(1)(a)(i)

38) In addition to the Ohio statutes cited above in paragraph #37, the following statutes clearly excludes the private corporation (MTC) as a "government entity" and "employee", the statutes plainly define private corporations in Ohio as a "PERSON". R.C. 119.01(F), R.C. 130.01(L) R.C. 3715.01(A)(1), R.C. 149.01(B), (D), R.C. 111.41(C), R.C. 121.41(D), R.C. 3717.01(N) R.C. 3723.01(E), R.C. 2743.01(A), R.C. 2744.01(B), (I)

CONTINUED REASONS FOR GRANTING THE PETITION

39) The Marion County Common Pleas Court, TR. CT. CASE No. 2023-CV-339 dismissed Petitioner's Civil Complaint based on Petitioner-J.L. Howard's failure to comply with Ohio Revised Code (R.C.) 2969.25

40) The Ohio Revised Code (R.C.) 2969.25(A) plain and unambiguous language does not apply to the private corporation - Management & Training Corp (MTC) et al., which clearly states

At the time that an inmate commences a civil action or appeal against a government entity or employee...

41) The Ohio Supreme Court in State ex Rel. Ohio Civ. Servs. Emples. Ass'n v. State, 146 Ohio St. 3d 315, [P62], [P61] (2016), Howard v. Mgmt. & Training Corp, 2022-Ohio-4071, discretionary appeal not allowed by 169 Ohio St. 3d 1458, Appellate Courts Anthony v. Lake Erie Corr. Inst., 2006-Ohio-742, [P22-23] (11 dist) (There is no justification to give an expansive reading, beyond the plain meaning of the Ohio statute, to sweep within its purview both private prison entities as well as state prison entities), Cruz v. Lake Erie Corr. Inst., 2008-Ohio-3694, [P4], [P10] (10 dist)

42) The Ohio Court of Claims, R.C. 2743.01 et seq., which have exclusive jurisdiction over government entities and agencies when money damages are awarded, also Rejected Management & Training Corp (MTC) being a government entity/agent. Lockley v. Lake Erie Corr. Inst., 2005-Ohio-6815, [P15] (Ct. Cl.) (MTC is not a state agency) Ex "100-A", Johnson v. ODRC, 2023-Ohio-4638, [P10] (Ct. Cl.) (MTC at NCCC is not an agent of ODRC), Barnett v. North Coast Corr. Treat. Fac., 2009-Ohio-3040

CONTINUED REASONS FOR GRANTING THE PETITION

[P14](ct. Cl.)(MTC is not a State Agency), Wilkins v. ODRC, 2021-Ohio 141, [P1], [P4](ct. cl.)(NCCC is independently operated, maintained, staffed and controlled by the MTC)

43) The MARION County, Ohio Common Pleas Court lacked jurisdiction over Petitioner to declare Petitioner a vexatious litigator, thereby his equal protection Rights were violated, Fourteenth Amendment, Ohio Constitution, Article 1, section 2

44) The Ohio Civil Rule 3(A)(Civ.R.3(A) clearly mandates a compliant to be filed, and served in order to commence a Civil Action. Civ.R.3(A) "Commencement of Action; venue"

A CIVIL ACTION IS COMMENCED by filing a complaint with the COURT, if SERVICE is obtained within one year from such filing...

45) IN Ohio A "CIVIL ACTION" IS COMMENCED by filing a complaint with the COURT. Proper filing of a complaint invokes the jurisdiction of the court over a matter... and any judgment Rendered is void ab initio. State ex Rel. Andrews v. Lake Cnty. Court of common Pleas, 170 Ohio St.3d 354, [P3], [P28](2022). R.C. 2323.52(C).

46) Ohio Civil Rule 3(A) and Ohio Revised Code(R.C.)2323.52(C) are jurisdictional, and the statutory filing Requirements are mandatory and cannot be waived. Id State ex rel. Andrews, Hughes v. Ohio, 114 Ohio St.3d 47, at syllabus 1, [P11], [P19](2007), VERIFONE, INC. v. Limbach, 69 Ohio St.3d 699, 702, Head Note 4(HN4)(1994), Hafiz v. Levin, 120 Ohio St.3d 447, [P8](2008)(Statutory filing Requirements are mandatory...), A. Schulman, Inc. v. Wilkins, 112 Ohio St.3d 1208, [P2](2006)

CONTINUED REASONS FOR GRANTING THE PETITION

47) Because The Ohio courts did not hold the private corporation Management & Training Corp (MTC) et al., to the mandatory statutory filing requirements, Petitioner has been treated differently as a class of one, and Petitioners substantive due process Rights violated. Makuch v. Makuch, 174 Ohio St. 3d 636 [P19] (2024) (... "pro se litigants are presumed to have knowledge of the law and legal procedures and that they are held to the same standard as litigants who are represented by counsel").

48) Ohio R.C. 2323.52 is unconstitutional as applied and places a prior restr Restraint on speech and Right to speak to the Court with proper venue, this violates the U.S. Constitution First and Fourteenth Amendment equal protection

49) This court in Forsyth County v. Nationalist movement, 505 U.S. 123, 130 (1995) held

> Any scheme controlling the time, place, and manner of speech must not be based on the "content of the message, must be narrowly tailored to serve a significant governmental interest, and must leave open ample alternatives for communication.

50) The Ohio R.C. 2323.52 (E) makes it mandatory for the vexatious litigator order to remain in force indefinitely... Minn. Voters All. v. Mansky, 585 U.S. 1, [21], HN12 (2018) clearly prohibits such unchecked infringement on speech.

> It is "self-evident" that an indeterminate prohibition carries with it "the opportunity for abuse, especially where it has received a virtually open-ended interpretation."

51) The Ohio R.C. 2323.52 (G) prohibits an appeal from a vexatious litigator order issued by a common pleas court. Nor is an appeal

from the Ohio Court of Appeals and/or common pleas Court denial of an Application to continue or institute legal proceedings. R.C. 2323.52(G)

52) The Ohio courts has violated Petitioner-J.L. HOWARD's substantive Rights by permitting Management & Training Corp (MTC) to file a counterclaim, Rather than the mandatory civil action. Ohio R.C. 2323.52(C), Ohio Civ. R. 3(A)

53) The Ohio Courts and Legislature have given the Ohio common pleas Court Authority, R.C. 2323.52, to Reopen, and overturn final orders of Ohio Tenth District court of Appeals, contrary to Ohio Const. Art. IV, sect. 4(B), State ex Rel. Cordray v. Marshall, 123 Ohio St. 3d 229, ¶32 (2009), Ohio Const. Art. IV, sect. 3(B)(2) & (B)(4)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

301-279 9-22-2025

Date: Sept. 22, 2025

PURSUANT to 28 U.S.C. 1746, I declare and certify under penalty of perjury that the foregoing, and the following is correct and true.
The facts and statements mentioned herein are correct, true and accurate, and that this petition for certiorari was place in the institution mail box / staff hands on the 9/22/2025. Ex "50"