RICHLAND COUNTY
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2026 SEP 28 A 11:19

IN THE COURT OF COMMON PLEAS

RICHLAND COUNTY, OHIO

ROBERT WYN YOUNG,

Plaintiff,

v. Misc. Case No. 2026 CV 0685 R

JAMES H. FETZER, Ph.D.,

Defendant.

DEFENDANT'S MOTION TO DISMISS

PURSUANT TO OHIO CIV.R. 12(B)(1) AND 12(B)(6)

Defendant, **James H. Fetzer, Ph.D.**, appearing pro se, respectfully moves this Court to dismiss the above-captioned matter for lack of subject-matter jurisdiction under Civ.R. 12(B)(1) and for failure to state a claim upon which relief can be granted under Civ.R. 12(B)(6). The filing served upon Defendant is not a cognizable civil complaint, does not allege any actionable conduct, and seeks relief that no Ohio court has authority to grant.

A Memorandum in Support is included below.

MEMORANDUM IN SUPPORT

I. INTRODUCTION

The document served upon Defendant is styled as a "Miscellaneous Action to Make Mandatory Report, Pursuant to 18 U.S.C. § 2382." It is not a civil complaint. It does not identify any cause of action recognized under Ohio law. It does not allege facts that, if true, would entitle Plaintiff to civil relief. Instead, it consists of political commentary, accusations of federal crimes, and demands that this Court investigate and report alleged "treason" to the Governor of Ohio.

Ohio courts cannot adjudicate federal criminal statutes, cannot investigate treason, and cannot grant the relief Plaintiff seeks. The filing is jurisdictionally void and legally insufficient on its face.

II. THE COURT LACKS SUBJECT-MATTER JURISDICTION (CIV.R. 12(B)(1))

Plaintiff invokes several federal criminal statutes, including:

- 18 U.S.C. § 2381 (treason)
- 18 U.S.C. § 2382 (misprision of treason)
- 18 U.S.C. § 2384 (seditious conspiracy)
- 18 U.S.C. § 371 (conspiracy to defraud the United States)
- 18 U.S.C. §§ 875, 1503, 1512 (threats, obstruction)

These statutes are **criminal provisions enforceable only by the United States Department of Justice**. A private litigant cannot prosecute federal crimes, compel criminal investigations, or invoke federal criminal statutes as a basis for civil relief. State courts have **no jurisdiction** to:

- investigate treason,
- adjudicate treason,
- compel reporting of treason,
- issue "judicial assessments" of treason,
- or order federal action.

Because the filing seeks relief that lies exclusively within federal executive authority, this Court lacks subject-matter jurisdiction and must dismiss the action.

III. THE FILING FAILS TO STATE ANY CLAIM (CIV.R. 12(B)(6))

Even if jurisdiction existed, the filing must be dismissed because it does not state a claim upon which relief can be granted.

A. No civil cause of action is alleged

The filing does not allege:

- any tort recognized under Ohio law,
- any contract,
- any statutory civil claim,
- any injury,
- or any facts that could give rise to civil liability.

It consists entirely of conclusory accusations of federal crimes and political assertions. Criminal statutes do not create private civil causes of action.

B. No actionable conduct is attributed to Defendant

Defendant is mentioned only within a narrative asserting that various individuals are part of a "treasonous conspiracy." No factual allegations connect Defendant to any actionable conduct, and no legal theory is identified under which Defendant could be liable.

C. The relief sought is unavailable

Plaintiff demands:

- emergency hearings,
- issuance of a "public judicial report,"
- referral to the Governor,
- and payment of $1.5 million in "NASCO fees."

No rule of civil procedure or statute authorizes such relief. Courts cannot grant remedies that do not exist in law.

IV. THE FILING IS PROCEDURALLY IMPROPER

The filing attempts to create a "miscellaneous action" for the purpose of compelling a state judge to investigate alleged federal crimes. Ohio law provides no mechanism for such a proceeding. Courts routinely dismiss filings that attempt to invoke criminal statutes through civil procedure or that seek to compel judicial action outside the court's authority.

V. CONCLUSION

Because the filing:

- is jurisdictionally defective,
- states no claim upon which relief can be granted,
- seeks relief unavailable in civil court,
- and improperly invokes federal criminal statutes,

Defendant respectfully requests that this Court:

1. **DISMISS the action with prejudice** under Civ.R. 12(B)(1) and 12(B)(6);
2. **ENTER judgment in Defendant's favor**; and
3. Grant any further relief the Court deems appropriate.

Respectfully submitted,

James H. Fetzer, PhD.

James H. Fetzer, Ph.D. 800 Violet Lane Oregon, WI 53575 Defendant, pro se

Dated: 21 Sept 2026

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **Motion to Dismiss** was served upon Plaintiff, **Robert W. Young**, at **1421 Lexington Avenue, #180, Mansfield, OH 44907**, by depositing the same in the United States Mail, first-class postage prepaid, on this 21 day of Sept, 2026.

James H. Fetzer, Ph.D. Defendant, pro se