

**STATE OF WEST VIRGINIA  
SUPREME COURT OF APPEALS**

**Michael S. Gorbey, Plaintiff Below,  
Petitioner**

**v.) No. 12-0398** (Doddridge County 11-P-8)

**State of West Virginia, et al., Defendants Below,  
Respondents**

**FILED**

**March 30, 2012**  
RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

**MEMORANDUM DECISION**

Petitioner, Michael S. Gorbey seeks to appeal an order entered in the Circuit Court of Doddridge County on March 21, 2011, dismissing his action for lack of venue. The petitioner has filed a Notice of Appeal, together with a motion for leave to file out-of-time. The Court does hereby grant the motion for leave to file the Notice of Appeal out-of-time.

Having carefully reviewed the Notice of Appeal and written argument, and the relevant decision of the circuit court, the Court is of the opinion that the decisional process would not be significantly aided by briefing or oral argument. We therefore find that this matter is mature for consideration and that a memorandum decision summarily affirming the circuit court in this instance is appropriate under Revised Rule 21. The Court finds no substantial question of law and does not disagree with the decision of the circuit court.

In the order dismissing the action the circuit court noted, Petitioner's criminal history spans twenty years, involving numerous occasions, in several states. Petitioner seeks \$9,148,550.00 in damages for malicious prosecution. The circuit court properly held that Doddridge County is not the proper venue for such action.

Accordingly, the order of the Circuit Court of Doddridge County is affirmed, and this case is dismissed.

Affirmed.

**ISSUED: March 30, 2012**

**CONCURRED IN BY:**

Chief Justice Menis E. Ketchum  
Justice Robin Jean Davis  
Justice Brent D. Benjamin  
Justice Margaret L. Workman  
Justice Thomas E. McHugh