Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0660-OA

CHARON PORTER — PETITIONER

v. AN ORIGINAL ACTION ARISING FROM FAYETTE DISTRICT COURT ACTION NO. 02-H-00100-001

HON. MELISSA M. MURPHY, JUDGE, FAYETTE DISTRICT COURT — RESPONDENT

AND

GLORIA WARREN JACKSON AND SHAYNA PORTER — REAL PARTIES IN INTEREST

ORDER
DISMISSING

* * * * * *

BEFORE: CETRULO, A. JONES, AND KAREM, JUDGES.

This is Charon Porter's third attempt to obtain a writ of mandamus from this Court as a *pro se* litigant. The prior actions, Case No. 2025-CA-0196-OA and Case No. 2025-CA-0807-OA, were stricken from this Court's docket for failure to correct deficiencies in the petition and for proceeding improperly before

the wrong court. Porter has again tried to file a petition for a writ with this Court, instead of the Fayette Circuit Court, as required.

Pursuant to RAP[1] 60(A), "[o]riginal proceedings in an appellate court may be prosecuted only against a judge or agency whose decisions may be reviewed as a matter of right by that appellate court." In turn, KRS[2] 23A.080(1), provides that the circuit courts have appellate jurisdiction over final judgments and orders of the district courts. Reading them together, it is clear that if a litigant seeks an order compelling action by the district, the proper court from which to seek that relief is the circuit court.

This action stems from an underlying guardianship and/or conservatorship case in Fayette District Court. Porter asks that this Court order Respondent, Hon. Melissa M. Murphy, to rule on motions that have been filed. Hon. Melissa M. Murphy is a Fayette District Court Judge.[3] Therefore, a petition for a writ must be filed with the Fayette Circuit Court. *See Imhoff v. House*, 628 S.W.3d 88, 92 (Ky. 2021) ("[A] writ petition must be first addressed to the next

[1] Kentucky Rules of Appellate Procedure.

[2] Kentucky Revised Statutes.

[3] *See* Fayette, Kentucky Courts of Justice (Oct. 23, 2026, at 1:50 ET), https://www.kycourts.gov/Courts/County-Information/Pages/Fayette.aspx. " A court may properly take judicial notice of public records and government documents, including public records and government documents available from reliable sources on the internet." *Polley v. Allen*, 132 S.W.3d 223, 226 (Ky. App. 2004) (footnote omitted).

higher court.”). This Court is the wrong court for Porter’s requested relief and is without jurisdiction to hear this matter. If Porter wishes for a court to direct Hon. Melissa M. Murphy to act, she must file a petition with the Fayette Circuit Court.

Having reviewed the record and being otherwise sufficiently advised; IT IS HEREBY ORDERED that this matter shall be, and hereby is, DISMISSED.

IT IS FURTHER ORDERED that the remaining motions are hereby DENIED as moot.

ENTERED: November 2, 2026



HON. ALLISON E. JONES
JUDGE, COURT OF APPEALS