

[Cite as *State ex rel. Buoscio v. Koch*, 2006-Ohio-6035.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 88819

**STATE OF OHIO EX REL.,
SAMUEL L. BUOSCIO**

RELATOR

vs.

JUDGE JUDITH KILBANE KOCH

RESPONDENT

**JUDGMENT:
WRIT DENIED**

WRIT OF MANDAMUS
MOTION NO. 389120
ORDER NO. 389200

RELEASE DATE: November 15, 2006

ATTORNEY FOR RELATOR:

Samuel L. Buoscio
Inmate No. 243-856
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Mansfield, Ohio 44901-8107

ATTORNEY FOR RESPONDENT:

William D. Mason
Cuyahoga County Prosecutor
8th Floor Justice Center
1200 Ontario Street
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JUDGE CHRISTINE T. MCMONAGLE.:

{¶1} On October 3, 2006, relator Samuel L. Buoscio commenced this mandamus action against respondent Judge Judith Kilbane Koch to compel her to rule on his Civ.R. 60(B) motion filed in *Buoscio v. Hildebrand*, Cuyahoga County Court of Common Pleas Case No. CV-05-552534 on March 29, 2006. On October 15, 2006, respondent filed a motion for summary judgment. For the following reason, we grant the motion for summary judgment.

{¶2} Attached to respondent's motion for summary judgment is a copy of the lower court docket which indicates that Judge Kilbane Koch denied Buoscio's Civ.R. 60(B) motion on April 12, 2006. Thus, the relator's request for a writ of mandamus is moot. *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163; *State ex rel. Jerningham v. Cuyahoga County Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

{¶3} Accordingly, we deny relator's petition for a writ of mandamus. It is further ordered that the clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B).

Writ denied.

CHRISTINE T. MCMONAGLE, JUDGE

ANN DYKE, A.J., and
ANTHONY O. CALABRESE, JR., J., CONCUR