

[Cite as *State ex rel. Nelson v. Donnelly*, 2010-Ohio-1219.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 94589**

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**STATE OF OHIO, EX REL.  
SHAWN NELSON**

RELATOR

vs.

**MICHAEL P. DONNELLY, JUDGE**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 431480  
Order No. 431539

**RELEASE DATE:** March 22, 2010

**FOR RELATOR**

Shawn W. Nelson, pro se  
Inmate No. 431-685  
Richland Correctional Institution  
P.O. Box 8107  
Mansfield, Ohio 44901

**ATTORNEYS FOR RESPONDENT**

William D. Mason  
Cuyahoga County Prosecutor  
By: James E. Moss  
Assistant County Prosecutor  
8th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

PATRICIA A. BLACKMON, P.J.:

{¶ 1} Shawn Nelson, the relator, has filed a complaint for a writ of procedendo. Nelson seeks an order from this court, which requires Judge Michael P. Donnelly, the respondent, to render rulings with regard to seven motions that were filed in *State v. Nelson*, Cuyahoga County Court of Common Pleas Case No. CR-416032. Specifically, Nelson seeks rulings with regard to (1) motion to void judgment pursuant to Civ.R. 60(B) (filed Nov. 19, 2009), (2) motion for determination (filed July 15, 2009), (3) motion for the court to order all records to investigate proceedings (filed Nov. 10, 2009), (4)

motion for Civ.R. 55 default judgment (filed Dec. 22, 2009), (5) motion to vacate and dismiss case CR-416032 for lack of subject matter jurisdiction (filed Dec. 22, 2009), (6) Civ.R. 60(B)(4) motion to vacate and dismiss pertaining to void sentence (filed Dec. 22, 2009), and (7) motion to assign appellate counsel, Mr. Paul Mancino (filed Jan. 4, 2010). Judge Donnelly has filed a motion for summary judgment.

{¶ 2} Attached to Judge Donnelly's motion for summary judgment are copies of journal entries, which demonstrate that Judge Donnelly has rendered rulings with regard to each of Nelson's motions that were filed in *State v. Nelson*, supra. Nelson's request for a writ of procedendo is moot.<sup>1</sup>

{¶ 3} Accordingly, we grant Judge Donnelly's motion for summary judgment. Parties to share costs. It is further ordered that the Clerk of the Eighth District Court of Appeals serve notice of this judgment upon all parties as required by Civ.R. 58(B).

Writ denied.

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PATRICIA A. BLACKMON, PRESIDING JUDGE

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<sup>1</sup>*State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723. *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163.

LARRY A. JONES, J., and  
COLLEEN CONWAY COONEY, J., CONCUR