

[Cite as *State ex rel. Orr v. Sutula*, 2010-Ohio-4142.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 95241

**STATE OF OHIO EX REL.,
WYLEE ORR**

RELATOR

vs.

HONORABLE KATHLEEN SUTULA

RESPONDENT

**JUDGMENT:
WRIT DENIED**

WRIT OF MANDAMUS
Motion No. 435398
Order No. 436750

RELEASE DATE: August 30, 2010

FOR RELATOR

Wylee Orr, pro se
Inmate No. 31738-160
NEOCC
2240 Hubbard Road
Youngstown, Ohio 44505

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

BY: James E. Moss
Assistant County Prosecutor
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

MARY J. BOYLE, J.:

{¶ 1} Relator, Wylee Orr, requests that this court compel respondent judge to issue findings of fact and conclusions of law with respect to the petition for postconviction relief filed by relator in *State v. Orr*, Cuyahoga County Court of Common Pleas Case No. CR-506072, on April 13, 2009. Respondent initially denied Orr's petition, but this court reversed that judgment and ordered respondent to consider Orr's petition. *State v. Orr*, Cuyahoga App. No. 93796, 2010-Ohio-366.

{¶ 2} Respondent has filed a motion for summary judgment attached to which is a copy of the findings of fact and conclusions of law issued by respondent and received for filing by the clerk on June 25, 2010. Relator has not opposed the motion. Respondent argues that this action in mandamus is, therefore, moot.

We agree.

{¶ 3} Accordingly, respondent's motion for summary judgment is granted. Relator to pay costs. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Writ denied.

MARY J. BOYLE, JUDGE

CHRISTINE T. McMONAGLE, P.J., and
ANN DYKE, J., CONCUR