

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Hayes v. Winkler*, Slip Opinion No. 2011-Ohio-6046.]

NOTICE

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SLIP OPINION NO. 2011-OHIO-6046

THE STATE EX REL. HAYES, APPELLANT, v. WINKLER, JUDGE, APPELLEE.

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Slip Opinion No. 2011-Ohio-6046.]

Court of appeals' judgment dismissing complaint for writ of mandamus affirmed.

(No. 2011-1381—Submitted November 16, 2011—Decided December 1, 2011.)

APPEAL from the Court of Appeals for Hamilton County, No. C-110365.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the petition of appellant, Marcus Hayes, for a writ of mandamus to compel appellee, Hamilton County Court of Common Pleas Judge Ralph Winkler, to issue a judgment on certain postconviction motions in accordance with Civ.R. 58 and App.R. 4(A). Insofar as Hayes sought to compel Judge Winkler to rule on his motions, the judge has already done so. Mandamus will not compel a judge to rule on motions that the judge has already ruled on. *State ex rel. Womack v. Marsh*, 128 Ohio St.3d 303, 2011-Ohio-229, 943 N.E.2d 1010, ¶ 10. And as for

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Hayes's claim that he could not appeal the rulings because the clerk never served notice of the judgments on him, he had adequate remedies in the ordinary course of law by delayed appeal and motion for relief from judgment to raise his claim. *State ex rel. McKinney v. Defiance Cty. Court of Common Pleas*, 123 Ohio St.3d 153, 2009-Ohio-4693, 914 N.E.2d 1044, ¶ 1.

Judgment affirmed.

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL,
LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

Marcus Hayes, pro se.
