

[Cite as *State ex rel. Sailor v. McDonnell*, 2009-Ohio-4378.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 93507**

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**S/O EX REL., RU-EL SAILOR**

RELATOR

vs.

**HONORABLE NANCY McDONNELL**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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WRIT OF PROCEDENDO  
MOTION NO. 423952  
ORDER NO. 424298

**RELEASE DATE:** August 24, 2009

**FOR RELATOR**

Ru-el Sailor, pro se  
Inmate No. A452-967  
Mansfield Correctional Institution  
P.O. Box 788  
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

FRANK D. CELEBREZZE, JR., J.:

{¶ 1} On June 22, 2009, relator Ru-El Sailor commenced this procedendo action against respondent Judge Nancy McDonnell to compel her to rule on his motion to have Judge McDonnell recuse herself from the matter involving *State v. Sailor*, Cuyahoga County Court of Common Pleas Case No. CR-435700, which was filed on February 15, 2009. On July 8, 2009, Judge McDonnell, through the Cuyahoga County Prosecutor's office, filed a motion for summary judgment.

{¶ 2} In her motion for summary judgment, Judge McDonnell argues that the matter is moot. Attached to the motion for summary judgment is a copy of Judge McDonnell's order denying the motion. Thus, Sailor's request for a writ of

procedendo 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 Cty. Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

{¶ 3} Accordingly, we grant the motion for summary judgment. Costs to relator. 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.

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FRANK D. CELEBREZZE, JR., JUDGE

COLLEEN CONWAY COONEY, A.J., and  
JAMES J. SWEENEY, J., CONCUR