

[Cite as *State ex rel. Walker v. Griffin*, 2010-Ohio-1675.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94548

**STATE OF OHIO, EX REL.
ANTHONY WALKER**

RELATOR

vs.

JUDGE BURT W. GRIFFIN

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus and Procedendo
Motion No. 431074
Order No. 431496

RELEASE DATE: April 14, 2010
FOR RELATOR

Anthony Walker, pro se

Inmate No.250-265
Grafton Correctional Inst.
2500 South Avon-Belden Road
Grafton, Ohio 44044

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 January 21, 2010, relator Anthony Walker filed a complaint for writ of mandamus and procedendo against Judge Burt Griffin to compel him to rule on his motion to vacate void sentence judgment in *State v. Walker*, Cuyahoga County Court of Common Pleas Case Nos. CR-268354, which was filed on February 28, 2005. On February 11, 2010, Judge Michael P. Donnelly, through the Cuyahoga County Prosecutor's office, filed a motion for summary judgment.¹ For the following reason, we grant the motion for summary judgment.

{¶ 2} Although the incorrect entry is attached to the motion for summary judgment, a review of the lower court docket indicates that Judge Donnelly denied

¹ The matter is now assigned to Judge Michael P. Donnelly.

Walker's motion to vacate void sentence judgment on February 5, 2010. Accordingly, we find that Walker' complaint for a writ of mandamus and procedendo is moot. *State ex rel. Grant 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 Judge Donnelly's motion for summary judgment. Respondent to bear costs. 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).

{¶ 4} Writ denied.

FRANK D. CELEBREZZE, JR., JUDGE

MELODY J. STEWART, P.J., and
LARRY A. JONES, J., CONCUR