

[Cite as *State ex rel. Blair v. O'Malley*, 2010-Ohio-1877.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94927

**STATE OF OHIO, EX REL.
JULEANDO BLAIR**

RELATOR

vs.

HONORABLE THOMAS O'MALLEY

RESPONDENT

**JUDGMENT:
COMPLAINT DISMISSED**

Writ of Procedendo

Order No. 432620

RELEASE DATE: April 28, 2010

FOR RELATOR

Juleando Blair, pro se
Inmate No. 544-519
Mansfield Correctional Institution
P.O. Box 788
Mansfield, Ohio 44901

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

By: Lisa Reitz Williamson
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

FRANK D. CELEBREZZE, JR., J.:

{¶ 1} Juleando Blair, the relator, has filed a second complaint for a writ of procedendo. Once again, Blair seeks an order from this court, which requires Judge Thomas O'Malley, the respondent, to issue a ruling with regard to a motion to vacate or set aside the sentence that was filed in *In re: Juleando Blair*, Cuyahoga County Court of Common Pleas, Juvenile Division, Case No. DL-6109136. Sua sponte, we dismiss Blair's second complaint for a writ of procedendo.

{¶ 2} In *State ex rel. Blair v. O'Malley*, (April 27, 2010), Cuyahoga App. No. 94577, this court determined that a ruling has been issued by Judge O'Malley with regard to Blair's motion to vacate or set aside sentence. Thus, we find that Blair's second request for a writ of procedendo is moot and is also barred from further consideration by the doctrine of res judicata. *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. See, also, *Gravav v. Parkman Twp.* (1995), 73 Ohio St.3d 379, 653 N.E.2d 226.

{¶ 3} Accordingly, we sua sponte dismiss Blair's second complaint for a writ of procedendo. Costs to Blair. 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).

Complaint dismissed.

FRANK D. CELEBREZZE, JR., JUDGE

MELODY J. STEWART, P.J., and
JAMES J. SWEENEY, J., CONCUR