

[Cite as *State ex rel. Dilley v. Donnelly*, 2017-Ohio-9184.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 106332

**STATE OF OHIO, EX REL.
WILLIAM DILLEY**

RELATOR

vs.

JUDGE MICHAEL P. DONNELLY

RESPONDENT

**JUDGMENT:
WRITS DENIED**

Writs of Mandamus and Procedendo
Motion No. 511581
Order No. 512617

RELEASE DATE: December 19, 2017

FOR RELATOR

William Dilley, pro se
11720 Regent Park Drive
Chardon, Ohio 44024

ATTORNEYS FOR RESPONDENT

Michael C. O'Malley
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
The Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

EILEEN T. GALLAGHER, P.J.:

{¶1} On October 3, 2017, the relator, William Dilley, commenced this mandamus and procedendo action against the respondent, Judge Michael P. Donnelly, to compel him to rule on a motion to void judgment, that Dilley filed on January 19, 2017, in the underlying case, *State v. Dilley*, Cuyahoga C.P. No. CR-12-558185-A. On October 27, 2017, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of an October 25, 2017 journal entry denying the motion to void judgment in the underlying case. Dilley never filed a response. This establishes that Dilley has received his requested relief, that the judge has fulfilled his duty to resolve the motion, and that the action is moot.

{¶2} Accordingly, the court grants the respondent's motion for summary judgment and denies the application for a writ of mandamus or procedendo. Costs assessed against relator. 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).

{¶3} Writs denied.

EILEEN T. GALLAGHER, PRESIDING JUDGE

PATRICIA ANN BLACKMON, J., and
FRANK D. CELEBREZZE, JR., J., CONCUR