

[Cite as *State ex rel. Jones v. Matia*, 2018-Ohio-3190.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 106965

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STATE OF OHIO ON EX REL.  
DEAN A. JONES

RELATOR

vs.

DAVID T. MATIA, JUDGE

RESPONDENT

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**JUDGMENT:**  
WRIT DENIED

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Writ of Procedendo  
Motion No. 517702  
Order No. 518997

**RELEASE DATE:** August 8, 2018

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**FOR RELATOR**

Dean A. Jones, pro se  
Inmate No. A681059  
Lake Erie Correctional Institution  
P.O. Box 8000  
501 Thompson Road  
Conneaut, Ohio 44030

**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

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KATHLEEN ANN KEOUGH, J.:

{¶1} Dean A. Jones has filed a complaint for a writ of procedendo. Jones seeks an order from this court that requires Judge David T. Matia to issue findings of fact and conclusions of law with regard to a petition to vacate or set aside judgment of conviction filed in *State v. Jones*, Cuyahoga C.P. No. CR-15-598870, on April 10, 2017. Judge Matia has filed a motion for summary judgment that is granted for the following reasons.

{¶2} Attached to the motion for summary judgment is a copy of the findings of fact and conclusions of law, journalized May 14, 2018, with regard to Jones’s petition to vacate or set aside judgment. Relief is unwarranted because procedendo will not compel the performance of a duty that has already been performed. *State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas*, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49. Herein, the request for relief is moot.

{¶3} Finally, Jones’s complaint for a writ of procedendo is procedurally defective because he has failed to comply with R.C. 2969.25(C). Pursuant to R.C. 2969.25(C), Jones is required to file a statement setting forth his inmate account balance “for each of the preceding six months as certified by the institutional cashier.” Jones has failed to provide this court with a certified statement setting forth the balance in his inmate account. *Freed v. Bova*, 8th Dist. Cuyahoga No. 99908, 2013-Ohio-4378; *Turner v. Russo*, 8th Dist. Cuyahoga No. 87852, 2006-Ohio-4490.

{¶4} Accordingly, we grant Judge Matia’s motion for summary judgment. Costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶5} Writ denied.

KATHLEEN ANN KEOUGH, JUDGE

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

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