

[Cite as *State ex rel. Curry v. Cuyahoga Cty. Court of Common Pleas*, 2019-Ohio-799.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 107904

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STATE OF OHIO, EX REL.  
RONALD CURRY

RELATOR

vs.

CUYAHOGA COUNTY COURT OF COMMON PLEAS AND JUDGE JOAN  
SYNENBERG

RESPONDENTS

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**JUDGMENT:**  
WRIT DENIED

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Writ of Mandamus  
Motion No. 523757  
Order No. 525929

**RELEASE DATE:** March 6, 2019

## **FOR RELATOR**

Ronald Curry, pro se  
Inmate No. A693852  
Belmont Correctional Institution  
P.O. Box 540  
68518 Bannock Road  
Saint Clairsville, Ohio 43950

## **ATTORNEYS FOR RESPONDENT**

Michael C. O'Malley  
Cuyahoga County Prosecutor  
By: James E. Moss  
Assistant County Prosecutor  
The Justice Center, 8th Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

FRANK D. CELEBREZZE, JR., J.:

{¶1} On November 15, 2018, the relator, Ronald Curry, commenced this mandamus action against the respondents, the Cuyahoga County Common Pleas Court and Judge Joan Synenberg, to compel findings of fact and conclusions of law for a postconviction relief petition, which he filed on May 1, 2018, in the underlying case, *State v. Curry*, Cuyahoga C.P. No. CR-15-597049-A. On December 12, 2018, the respondents moved for summary judgment on the grounds of mootness and pleading defects. Attached to the dispositive motion was a copy of a certified journal entry file-stamped December 12, 2018, that contained the desired findings of fact and conclusions of law for the subject petition. Curry sought and this court granted an extension of time to file a brief in opposition until February 6, 2019.

{¶2} Curry never filed a brief in opposition to the respondents' dispositive motion. Instead, he appealed the denial of his postconviction relief petition. *State v. Curry*, 8th Dist. Cuyahoga No. 108088. Accordingly, this mandamus action is moot. The respondents fulfilled the duty to issue findings of fact and conclusions of law, and Curry received his desired relief.

{¶3} Relator also did not comply with R.C. 2969.25(C), which requires that an inmate file a certified statement from his prison cashier setting forth the balance in his private account for each of the preceding six months. This also is sufficient reason to deny the mandamus, deny indigency status, and assess costs against the relator. *State ex rel. Pamer v. Collier*, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842; *State ex rel. Hunter v. Cuyahoga Cty. Court of Common Pleas*, 88 Ohio St.3d 176, 2000-Ohio-285, 724 N.E.2d 420; and *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378 — the defect may not be cured by subsequent filings.

{¶4} Accordingly, this court grants the respondents' motion for summary judgment and denies the application for a writ of mandamus. Relator to pay costs. This court directs the clerk of courts to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶5} Writ denied.

FRANK D. CELEBREZZE, JR., JUDGE

EILEEN A. GALLAGHER, P.J., and  
EILEEN T. GALLAGHER, J., CONCUR