

[Cite as *State ex rel. Booker v. Barker*, 2019-Ohio-1661.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT

COUNTY OF CUYAHOGA

STATE EX REL. KENNETH BOOKER, :

Relator, :

No. 108362

v. :

JUDGE PAMELA BARKER, :

Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: DENIED

DATED: April 30, 2019

Writs of Mandamus and Procedendo
Order No. 527376

Appearances:

Kenneth Booker, pro se, *relator*.

Michael C. O'Malley, Prosecuting Attorney, and James
E. Moss, Assistant Prosecuting Attorney, *for*
respondent.

EILEEN A. GALLAGHER, J.:

{¶ 1} On March 28, 2019, the relator, Kenneth Booker, commenced this mandamus and procedendo action against the respondent, Judge Pamela Barker, to compel the judge to rule on a “motion for preparation of complete transcript of proceedings at state expense,” which Booker filed on May 25, 2018 in the underlying case, *State v. Booker*, Cuyahoga C.P. No. CR-14-582017-A. A review of the trial court docket shows that the respondent judge denied the motion on

May 31, 2018. This court also notes that it granted Booker’s motion for a delayed appeal and sua sponte granted the transcript at state expense on September 17, 2014. An appeal was perfected and a decision released by this court on

June 25, 2015. Booker’s claim is moot.

{¶ 2} 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 a sufficient reason to deny the writ, 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; 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.

{¶ 3} Accordingly, this court, sua sponte, denies the application for a writ of mandamus or procedendo. 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).

{¶ 4} Writ denied.

EILEEN A. GALLAGHER, JUDGE

SEAN C. GALLAGHER, P.J., and
MICHELLE A. SHEEHAN, J., CONCUR