

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE EX REL. DONNELL PARKER, :
Relator, :
v. : No. 109721
PETER CORRIGAN, JUDGE, :
Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED
DATED: July 13, 2020

Writ of Procedendo
Motion No. 539128
Order No. 539601

Appearances:

Donnell Parker, *pro se*.

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

PATRICIA ANN BLACKMON, P.J.:

{¶ 1} On May 14, 2020, the relator, Donnell Parker, commenced this procedendo action against the respondent, Judge Peter Corrigan. He seeks to compel the judge to rule on his August 15, 2019 “motion to vacate the void

March 16, 1998 amended nunc pro tunc journal entry” and his March 5, 2020 “motion for judgment on the pleadings,” which he filed in the underlying case, *State v. Parker*, Cuyahoga C.P. No. CR-96-337574-ZA. On June 8, 2020, the respondent judge moved for summary judgment. On June 25, 2020, Parker filed his opposition. For the following reasons, this court grants the respondent’s dispositive motion and denies the application for a writ of procedendo.

{¶ 2} The respondent moved for summary judgment on the grounds of mootness. Attached to this motion is a certified copy of a May 29, 2020 journal entry that denies both subject motions. The judge explained that the issues concerning the nunc pro tunc entry had already been litigated and was, thus, res judicata. Parker argues that because his procedendo action was pending with this court, the respondent lost jurisdiction to rule on the subject motions. “This contention is without merit. * * * the filing of the petitions for said writs * * * had no effect on the jurisdiction of the trial court.” *Mihal v. Sargis*, 8th Dist. Cuyahoga No. 49532, 1985 Ohio App. LEXIS 8792, 6-8 (Oct. 3, 1985). The attached journal entries establish that the respondent has proceeded to judgment on the subject motions and that Parker has received his requested relief. This case is moot.

{¶ 3} Accordingly, this court grants the respondent’s motion for summary judgment and denies the application for a writ of procedendo. Relator to pay costs. The court instructs the clerk to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶ 4} Writ denied.

PATRICIA ANN BLACKMON, PRESIDING JUDGE

LARRY A. JONES, SR., J., and
EILEEN A. GALLAGHER, J., CONCUR