



judgment filed in *State v. Lawrence*, Cuyahoga C.P. No. CR-13-570740-A.<sup>1</sup> The complaint for procedendo is denied because Judge McGinty ruled on the pending motion at issue. Therefore, Judge McGinty's pending motion for summary judgment is granted, and the complaint for procedendo is denied as moot.

{¶ 2} Judge McGinty filed a motion for summary judgment on August 27, 2020. Attached to Judge McGinty's motion is a copy of a judgment entry, journalized August 24, 2020, which indicates that Lawrence's motion to vacate a void judgment was denied. Lawrence's complaint for a writ of procedendo is thus moot. Procedendo will not compel the performance of a duty that has already been performed. *State ex rel. Williams v. Croce*, 153 Ohio St.3d 348, 2018-Ohio-2703, 106 N.E.3d 55; *State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas*, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49. In addition, procedendo may not be employed to control a trial court's discretion. *State ex rel. Culgan v. Collier*, 132 Ohio St.3d 394, 2012-Ohio-2916, 972 N.E.2d 579; *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220.

{¶ 3} Accordingly, we grant Judge McGinty's motion for summary judgment. Costs to Lawrence; 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).

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<sup>1</sup> Pursuant to Civ.R. 25(D)(1), Judge William T. McGinty has been substituted for Judge Michael E. Jackson.

{¶ 4} Writ denied.

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MICHELLE J. SHEEHAN, JUDGE

PATRICIA ANN BLACKMON, P.J., and  
RAYMOND C. HEADEN, J., CONCUR