

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE EX REL., DWAYNE HARRIS, :
Relator, :
v. : No. 111751
JUDGE TIMOTHY McCORMICK, :
Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED

DATED: August 22, 2022

Writ of Procedendo
Motion No. 557211
Order No. 557455

Appearances:

Dwayne Harris, *pro se*.

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

ANITA LASTER MAYS, P.J.:

{¶ 1} Dwayne Harris, the relator, has filed a complaint for a writ of procedendo. Harris seeks an order from this court that compels Judge Timothy McCormick, the respondent, to render a ruling with regard to a “motion for public records requests” filed in *State v. Harris*, Cuyahoga C.P. No. CR-89-236656-ZA on

March 2, 2022. Judge McCormick has filed a motion for summary judgment that is granted.

{¶ 2} Attached to the motion for summary judgment is a copy of a judgment entry, journalized August 3, 2022, that demonstrates Judge McCormick has denied Harris’s motion for public records. Relief is unwarranted because the request for a writ of procedendo is moot. Procedendo will not compel the performance of a duty that has already been performed. *State ex rel. Ames v. Pokorny*, 164 Ohio St.3d 538, 2021-Ohio-2070, 173 N.E.3d 1208; *Thompson v. Donnelly*, 155 Ohio St.3d 184, 2018-Ohio-4073, 119 N.E.3d 1292; *State ex rel. S.Y.C. v. Floyd*, 8th Dist. Cuyahoga No. 109602, 2020-Ohio-5189.

{¶ 3} Accordingly, we grant Judge McCormick’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).

{¶ 4} Writ denied.

ANITA LASTER MAYS, PRESIDING JUDGE

EILEEN T. GALLAGHER, J., and
EMANUELLA D. GROVES, J., CONCUR