

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

DAWALIN MENTON, :
 :
 Relator, :
 : No. 111897
 v. :
 :
 JUDGE SHIRLEY STRICKLAND :
 SAFFOLD, :
 :
 Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED
DATED: September 15, 2022

Writ of Procedendo
Motion No. 557865
Order No. 558133

Appearances:

Dawalin Menton, *pro se*.

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

MARY EILEEN KILBANE, J.:

{¶ 1} Dawalin Menton, the relator, has filed a complaint for a writ of procedendo. Menton seeks an order from this court that compels Judge Shirley Strickland Saffold, the respondent, to render a ruling with regard to a motion for

jail-time credit filed in *State v. Menton*, Cuyahoga C.P. No. CR-21-657672-A on April 13, 2022. Judge Saffold 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 September 7, 2022, which demonstrates that Judge Saffold has granted Menton’s motion for jail-time credit in the amount of 369 days. 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 Saffold’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.

MARY EILEEN KILBANE, JUDGE

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