

[Cite as *State ex rel. Oko v. McDonnell*, 2012-Ohio-3698.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 98241

STATE OF OHIO, EX REL., MICHAEL OKO

RELATOR

vs.

NANCY R. MCDONNELL, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 454873
Order No. 457102

RELEASE DATE: August 13, 2012

FOR RELATOR

Michael Oko, pro se
Inmate No. 500-505
Lake Erie Correctional Institution
501 Thompson Road
Conneaut, Ohio 44030

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor
James E. Moss
Assistant County Prosecutor
9th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

MARY J. BOYLE, J.:

{¶1} Relator requests that this court compel respondent judge to dispose of his motion for jail-time credit in *State v. Oko*, Cuyahoga C.P. No. CR-447702. (Although Oko avers that the motion was filed on January 20, 2012, the docket reflects that the motion was filed on March 29, 2012.)

{¶2} Respondent has filed a motion for summary judgment attached to which is a copy of a journal entry issued by respondent and received for filing by the clerk on April 4, 2012, in which respondent granted relator 134 days jail-time credit. Relator has not opposed the motion for summary judgment. Respondent argues that this action in mandamus is, therefore, moot. We agree.

{¶3} Additionally, Oko

failed to file an affidavit containing a description of each civil action or appeal of a civil action that he had filed in the previous five years in any state or federal court, in violation of R.C. 2969.25(A). Furthermore, he failed to include in his affidavit of indigency a statement setting forth the balance in his inmate account for each of the preceding six months, as certified by the institutional cashier, in violation of R.C. 2969.25(C).

State ex rel. McGrath v. McDonnell, 126 Ohio St.3d 511, 2010-Ohio-4726, 935 N.E.2d 830, at ¶ 2. Oko's failure to comply with the requirements of R.C. 2969.25 provides a basis for dismissal. *Id.* at ¶ 3.

{¶4} Accordingly, respondent's motion for summary judgment is granted. Relator to pay costs. The clerk of court is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶5} Writ denied.

MARY J. BOYLE, JUDGE

MELODY J. STEWART, P.J., and
LARRY A. JONES, SR., J., CONCUR