

[Cite as *State ex rel. Barnett v. Fleegle*, 2017-Ohio-269.]

COURT OF APPEALS
MUSKINGUM COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO, ex rel.
WILLIAM BARNETT

Relator

JUDGES:

Hon. Sheila G. Farmer, P. J.
Hon. W. Scott Gwin, J.
Hon. Sheila G. Farmer, J.

-vs-

Case No. CT2016-0020

MUSKINGUM COUNTY COMMON
PLEAS COURT, JUDGE FLEEGLE

Respondent

OPINION

CHARACTER OF PROCEEDING:

Petition for Writ of Mandamus

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

January 24, 2017

APPEARANCES:

For Relator

For Respondent

WILLIAM J. BARNETT
HOCKING CORRECTIONAL FACILITY
16759 Snake Hollow Road
P.O. Box 59
Nelsonville, Ohio 45764-0059

D. MICHAEL HADDOX
PROSECUTING ATTORNEY
GERALD V. ANDERSON II
ASSISTANT PROSECUTOR
27 North Fifth Street, P.O. Box 189
Zanesville, Ohio 43702-0189

Wise, J.

{¶1} Relator, William Barnett, has filed a Petition for Writ of Mandamus requesting this Court to order Respondent to rule on four motions filed in the trial court on October 23, 2015 and November 18, 2015. Respondent filed a motion to dismiss indicating he issued a ruling on the motions on May 26, 2016.

{¶2} For a writ of mandamus to issue, the Relator must have a clear legal right to the relief prayed for, the Respondent must be under a clear legal duty to perform the requested act, and Relator must have no plain and adequate remedy in the ordinary course of law. *State, ex rel. Berger, v. McMonagle* (1983), 6 Ohio St.3d 28, 6 OBR 50, 451 N.E.2d 225.

{¶3} However, the Supreme Court has held mandamus will not issue where the requested relief has been obtained, “Neither procedendo nor mandamus will compel the performance of a duty that has already been performed.” *State ex rel. Kreps v. Christiansen* (2000), 88 Ohio St.3d 313, 318, 725 N.E.2d 663, 668.

{¶4} Because Respondent has issued a ruling on Relator’s motions, the request for a writ of mandamus has become moot. For this reason, the Petition for Writ of Mandamus is dismissed.

By: Wise, J.
Farmer, P. J., and
Gwin, J., concur.

JWW/d 0106