

IN THE COURT OF APPEALS OF OHIO  
SIXTH APPELLATE DISTRICT  
ERIE COUNTY

Douglas Leavell

Court of Appeals No. E-17-044

Relator

v.

Visiting Judge James Conway

**DECISION AND JUDGMENT**

Respondent

Decided: October 24, 2017

\* \* \* \* \*

Douglas Leavell, pro se.

\* \* \* \* \*

**JENSEN, P.J.**

{¶ 1} Relator, Douglas Leavell, has filed a petition for a writ of mandamus against respondent, Hon. James Conway. In the petition, relator requests that the court issue a writ of mandamus, pursuant to R.C. Chapter 2731, ordering respondent to rule on several motions that are pending in two cases to which relator is a party, Nos. 2013-CR-0344 and 2014-CR-0389.

{¶ 2} We previously issued an alternative writ directing respondent, within 14 days of the date he was served with the alternative writ, to either do the act requested by relator in the petition or show cause why he is not required to do the act by filing an answer to relator's petition pursuant to Civ.R. 8(B) or a motion to dismiss relator's petition pursuant to Civ.R. 12. It is now well beyond the 14-day time period and respondent has failed to file an answer or a motion to dismiss.

{¶ 3} In light of respondent's failure to respond to the alternative writ, this court issues a peremptory writ of mandamus pursuant to R.C. 2731.10 and orders that respondent rule on all pending motions in case Nos. 2013-CR-0344 and 2014-CR-0389.

{¶ 4} Writ Granted. Costs assessed to respondent.

{¶ 5} **To the clerk: Manner of service.**

{¶ 6} The clerk of court, whom the court hereby specially authorizes to perfect service in this case, shall immediately serve, upon the respondent by personal service, a copy of this peremptory writ pursuant to R.C. 2731.08, and the clerk shall verify, by affidavit, the time, place, and manner of service and file such verification upon completion of the service.

{¶ 7} The clerk is further directed to immediately serve **upon all other parties** a copy of this peremptory writ in a manner prescribed by Civ.R. 5(B).

{¶ 8} It is so ordered.

Writ granted.

Mark L. Pietrykowski, J.

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JUDGE

Arlene Singer, J.

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JUDGE

James D. Jensen, P.J.  
CONCUR.

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JUDGE