

[Cite as *State ex rel. McDuffie v. Saffold*, 2018-Ohio-2124.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 106915

STATE OF OHIO, EX REL.
MAURICE MCDUFFIE

RELATOR

vs.

SHIRLEY STRICKLAND SAFFOLD, JUDGE

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Procedendo
Motion No. 516421
Order No. 517280

RELEASE DATE: May 25, 2018

FOR RELATOR

Maurice McDuffie, pro se
Inmate No. A650882
Lake Erie Correctional Institution
501 Thompson Road
Conneaut, Ohio 44030

ATTORNEYS FOR RESPONDENT

Michael C. O'Malley
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
The Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

LARRY A. JONES, SR., J.:

{¶1} On March 8, 2018, the relator, Maurice McDuffie, commenced this procedendo action against the respondent, Judge Shirley Strickland Saffold, to compel the judge to proceed to judgment on two motions — a March 15, 2014 motion to vacate costs and a May 20, 2014 motion for court’s approval of a partial payment plan — that he filed in the underlying case, *State v. McDuffie*, Cuyahoga C.P. No. CR-12-567263-A. On April 5, 2018, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a journal entry, file-stamped March 23, 2018, in which the judge denied both motions. McDuffie never filed a response. The journal entry establishes that the respondent judge has proceeded to judgment on the subject motions and that this procedendo action is moot.

{¶2} Relator also did not comply with R.C. 2969.25(C), which requires that an inmate file a certified statement from his prison cashier setting forth the balance in his private account for each of the preceding six months. This also is sufficient reason to deny the writ, deny indigency status, and assess costs against the relator. *State ex rel. Pamer v. Collier*, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842; *State ex rel. Hunter v. Cuyahoga Cty. Court of Common Pleas*, 88 Ohio St.3d 176, 2000-Ohio-285, 724 N.E.2d 420; and *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378 — the defect may not be cured by subsequent filings.

{¶3} Accordingly, this court grants the respondent’s motion for summary judgment and denies the application for a writ of procedendo. Relator to pay costs. This court directs the

clerk of courts to serve all parties notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Writ denied.

LARRY A. JONES, SR., JUDGE

MARY EILEEN KILBANE, P.J., and
MARY J. BOYLE, J., CONCUR