

[Cite as *State ex rel. McLoyd v. Licastro*, 2018-Ohio-394.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 106540

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STATE OF OHIO, EX REL.  
RICKY McLOYD

RELATOR

vs.

JOHN M. LICASTRO

RESPONDENT

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**JUDGMENT:**  
**WRITS DISMISSED**

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Writs of Mandamus and Procedendo  
Motion No. 512804  
Order No. 514205

**RELEASE DATE:** January 31, 2018

**FOR RELATOR**

Ricky McLoyd, pro se  
Inmate No. 690123  
Lake Erie Correctional Institution  
501 Thompson Road  
Conneaut, Ohio 44030

**ATTORNEY FOR RESPONDENT**

Thomas M. Hanculak  
1360 S.O.M. Center Road  
Cleveland, Ohio 44124

EILEEN A. GALLAGHER, A.J.:

{¶1} On November 29, 2017, the relator, Ricky McLoyd, commenced this mandamus and procedendo action against the respondent John M. Licastro, mayor of the village of Bratenahl, to compel the mayor, pursuant to R.C. 2941.401, to dismiss charges pending in the Bratenahl Mayor’s Court and recall the detainer on him or to have the respondent try him on those charges. On December 8, 2017, the respondent moved to dismiss on the grounds of mootness. Attached to the motion was a copy of a journal entry in Bratenahl Village Mayor’s Court Case No. 2016 TRD 592, in which the charges of failure to reinstate and “stop sign” were dismissed with the notation of court costs dismissed. It is signed by the respondent, dated December 5, 2017, and certified to be a true copy of the original document by the clerk of court.<sup>1</sup> McLoyd never filed a response.

{¶2} The court grants the respondent’s motion to dismiss. The attachment shows that Bratenahl will not pursue the charges against McLoyd. This case is moot. Additionally, the failure to file a response to the motion to dismiss provides an independent reason for dismissal. *State ex rel. Eglin v. Watzek*, 172 Ohio St. 199, 174 N.E.2d 261 (1961), and *State ex rel. Beane v. Dayton*, 112 Ohio St.3d 553, 2007-Ohio-811, 862 N.E.2d 97.

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<sup>1</sup> The complaint did not specify the case name, number, or charges.

{¶3} Accordingly, this court grants the respondent's motion to dismiss and dismisses the complaint for mandamus and procedendo. Relator to pay costs.

{¶4} 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).

{¶5} Writs dismissed.

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EILEEN A. GALLAGHER, ADMINISTRATIVE JUDGE

EILEEN T. GALLAGHER, J., and  
ANITA LASTER MAYS, J., CONCUR