

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

SAID ISAAC MAHALLI,	:	
	:	
Relator,	:	No. 108804
	:	
v.	:	
	:	
THE HONORABLE GAYLE WILIAMS- BYERS,	:	
	:	
Respondent.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: COMPLAINTS DISMISSED
DATED: October 9, 2019

Writs of Mandamus and Procedendo
Order No. 532379

Appearances:

Michael J. Goldberg, *for relator.*

MARY J. BOYLE, P.J.:

{¶ 1} On July 16, 2019, the relator, Said Isaac Mahalli, commenced this mandamus and procedendo action against the respondent, Judge Gayle Williams-Byers, to compel the judge to rule on a motion for new trial, which Mahalli filed on April 22, 2019, in the underlying case, *S. Euclid v. Mahalli*, South Euclid M.C. No. CRB 1700178A. A review of the docket in the underlying case reveals that the trial

court denied the subject motion for new trial on July 31, 2019. Therefore, Mahalli has received his requested relief, and the trial court fulfilled its duty to proceed to judgment on the subject motion. This writ action is moot.

{¶ 2} The petition is defective because it is improperly captioned. Mahalli styled this petition as “Said Isaac Mahalli v. the Honorable Gayle Williams-Byers.” R.C. 2731.04 requires that an application for a writ of mandamus “must be by petition, in the name of the state on the relation of the person applying.” This failure to properly caption a mandamus action is sufficient grounds for dismissing the mandamus claim. *Maloney v. Court of Common Pleas of Allen Cty.*, 173 Ohio St. 226, 181 N.E.2d 270 (1962).

{¶ 3} Accordingly, the court dismisses the application for writs of mandamus or 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} Complaints dismissed.

MARY J. BOYLE, PRESIDING JUDGE

FRANK D. CELEBREZZE, JR., J., and
MICHELLE J. SHEEHAN, J., CONCUR