

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE OF OHIO EX REL.

RICKY DUNBAR, JR.,

:

Relator,

:

No. 108994

v.

:

JUDGE BRENDAN J. SHEEHAN,

:

Respondent.

:

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**JOURNAL ENTRY AND OPINION**

**JUDGMENT: WRIT DENIED**

**DATED: October 29, 2019**

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Writ of Procedendo and/or Mandamus

Motion No. 532448

Order No. 532669

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***Appearances:***

Ricky Dunbar, Jr., *pro se*.

Michael C. O'Malley, Cuyahoga County Prosecuting  
Attorney, and James E. Moss, Assistant Prosecuting  
Attorney, *for respondent*.

EILEEN T. GALLAGHER, P.J.:

{¶ 1} Ricky Dunbar, Jr. has filed a complaint for a writ of “procedendo/mandamus.” Dunbar seeks an order from this court that requires Judge Brendan J. Sheehan to render a ruling with regard to a motion to correct illegal sentence that was filed January 17, 2019, in *State v Dunbar*, Cuyahoga C.P. No. a C.P. No. CR-06-480618.

{¶ 2} Judge Sheehan filed a motion for summary judgment on October 2, 2019. Attached to Judge Sheehan's motion for summary judgment is a copy of a judgment entry, journalized February 25, 2019, that denied Dunbar's motion to correct illegal sentence. Dunbar's complaint for procedendo/mandamus is moot because we will not compel the performance of a duty that has already been performed. *State ex rel. Clay v. Gee*, 138 Ohio St.3d 151, 2014-Ohio-48, 4 N.E.3d 1026; *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220. In addition, Dunbar possesses or possessed an adequate remedy in the ordinary course of the law through an appeal of the judgment that denied his motion to correct illegal sentence. *State ex rel. Kerns v. Simmers*, 153 Ohio St.3d 103, 2018-Ohio-256, 101 N.E.3d 430; *State ex rel. Smith v. Fuerst*, 8th Dist. Cuyahoga No. 86118, 2005-Ohio-3829.

{¶ 3} Accordingly, we grant Judge Sheehan's motion for summary judgment. Costs to Dunbar; costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶ 4} Writ denied.

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EILEEN T. GALLAGHER, PRESIDING JUDGE

MARY J. BOYLE, J., and  
ANITA LASTER MAYS, J., CONCUR