

[Cite as *State ex rel. Curry v. Cuyahoga Cty. Court of Common Pleas*, 2019-Ohio-799.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 107904

STATE OF OHIO, EX REL.
RONALD CURRY

RELATOR

vs.

CUYAHOGA COUNTY COURT OF COMMON PLEAS AND JUDGE JOAN
SYNENBERG

RESPONDENTS

JUDGMENT:
WRIT DENIED

Writ of Mandamus
Motion No. 523757
Order No. 525929

RELEASE DATE: March 6, 2019

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FOR RELATOR

Ronald Curry, pro se
Inmate No. A693852
Belmont Correctional Institution
P.O. Box 540
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Saint Clairsville, Ohio 43950

ATTORNEYS FOR RESPONDENT

Michael C. O'Malley
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

FRANK D. CELEBREZZE, JR., J.:

{¶1} On November 15, 2018, the relator, Ronald Curry, commenced this mandamus action against the respondents, the Cuyahoga County Common Pleas Court and Judge Joan Synenberg, to compel findings of fact and conclusions of law for a postconviction relief petition, which he filed on May 1, 2018, in the underlying case, *State v. Curry*, Cuyahoga C.P. No. CR-15-597049-A. On December 12, 2018, the respondents moved for summary judgment on the grounds of mootness and pleading defects. Attached to the dispositive motion was a copy of a certified journal entry file-stamped December 12, 2018, that contained the desired findings of fact and conclusions of law for the subject petition. Curry sought and this court granted an extension of time to file a brief in opposition until February 6, 2019.

{¶2} Curry never filed a brief in opposition to the respondents' dispositive motion. Instead, he appealed the denial of his postconviction relief petition. *State v. Curry*, 8th Dist. Cuyahoga No. 108088. Accordingly, this mandamus action is moot. The respondents fulfilled the duty to issue findings of fact and conclusions of law, and Curry received his desired relief.

{¶3} 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 mandamus, 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.

{¶4} Accordingly, this court grants the respondents' motion for summary judgment and denies the application for a writ of mandamus. 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).

{¶5} Writ denied.

FRANK D. CELEBREZZE, JR., JUDGE

EILEEN A. GALLAGHER, P.J., and
EILEEN T. GALLAGHER, J., CONCUR