

**THE STATE EX REL. JERNINGHAN, APPELLANT, v. COURT OF COMMON PLEAS
OF CUYAHOGA COUNTY ET AL., APPELLEES.**

**[Cite as *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*,
1996-Ohio-117.]**

*Mandamus to compel court to file a final order—Writ denied when act already
performed.*

(No. 95-1769—Submitted November 7, 1995—Decided January 10, 1996.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 69259.

{¶ 1} On July 10, 1995, appellant, Tommie Jerningham, Jr., filed a complaint in mandamus in the Court of Appeals for Cuyahoga County, alleging that his appeal in case No. CV265857 had been dismissed for lack of a final order, and seeking to compel appellees to file a final order in the case. On July 25, 1995, appellees filed a motion to dismiss the complaint as moot, attaching a copy of an order dismissing case No. CV265857. On July 31, 1995, the court of appeals issued a journal entry dismissing the case.

{¶ 2} Appellant appeals to this court as a matter of right.

Tommie Jerningham, Jr., pro se.

Per Curiam.

{¶ 3} We affirm the judgment of the court of appeals. A writ of mandamus will not issue to compel an act already performed. *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 6 OBR 4, 450 N.E.2d 1163.

Judgment affirmed.

SUPREME COURT OF OHIO

MOYER, C.J., DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY, PFEIFER and
COOK, JJ., concur.
