

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

State ex rel. Willie Dentigance,	:	
Relator,	:	
v.	:	No. 08AP-407
Honorable Judge [J]. Craig Wright,	:	(REGULAR CALENDAR)
Ohio Court of Claims,	:	
Respondent.	:	

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O P I N I O N

Rendered on May 21, 2009

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*Willie Dentigance*, pro se.

*Richard Cordray*, Attorney General, and *Robert Eskridge, III*,  
for respondent.

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IN PROCEDENDO  
ON MOTION FOR SUMMARY JUDGMENT

SADLER, J.

{¶1} Relator, Willie Dentigance ("relator"), requests a writ of procedendo ordering respondent, the Honorable J. Craig Wright ("respondent"), a judge of the Ohio Court of Claims, to proceed to judgment in Court of Claims case No. 2005-04373, wherein relator is the plaintiff. Respondent filed a motion to dismiss asserting, essentially,

that relator's request for a writ is moot because respondent has rendered judgment in case No. 2005-04373. Respondent attached to the motion to dismiss certified copies of both the magistrate's decision and the court's entry of judgment in plaintiff's favor in the amount of \$6,088.25.

{¶2} Pursuant to Civ.R. 53(C) and Loc.R. 12(M) of the Tenth District Court of Appeals, this case was referred to a magistrate of this court to conduct appropriate proceedings. The magistrate converted respondent's motion to dismiss to one for summary judgment under Civ.R. 56. Proper notice was given to the parties. Relator did not respond to the motion for summary judgment.

{¶3} The magistrate rendered a decision, including findings of fact and conclusions of law, which is appended to this opinion. In his decision, the magistrate set forth the requirements for a party to prevail on a motion for summary judgment, and determined that it was undisputed that relator has received the relief requested in his writ of procedendo and that summary judgment is appropriate in the instant matter. Accordingly, the magistrate recommended that this court grant summary judgment in favor of respondent.

{¶4} No objections have been filed to the magistrate's decision.

{¶5} Finding no error or other defect on the face of the magistrate's decision, pursuant to Civ.R. 53(C), we adopt the decision of the magistrate as our own, including the findings of fact and conclusions of law contained therein. In accordance with the recommendation of the magistrate, we grant respondent's motion for summary judgment.

*Motion for summary judgment granted, writ of procedendo denied.*

FRENCH, P.J., and CONNOR, J., concur.

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**A P P E N D I X**  
**IN THE COURT OF APPEALS OF OHIO**  
**TENTH APPELLATE DISTRICT**

[State ex rel.] Willie Dentigance,	:	
Relator,	:	
v.	:	No. 08AP-407
Honorable Judge [J]. Craig Wright,	:	(REGULAR CALENDAR)
Ohio Court of Claims,	:	
Respondent.	:	

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**M A G I S T R A T E ' S   D E C I S I O N**

Rendered on March 12, 2009

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*Willie Dentigance, pro se.*

*Richard Cordray, Attorney General, and Robert Eskridge, III,*  
*for respondent.*

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**IN PROCEDENDO**  
**ON MOTION FOR SUMMARY JUDGMENT**

{¶6} In this original action, relator, Willie Dentigance, an inmate of the Richland Correctional Institution ("RCI") requests a writ of procedendo ordering respondent, the

Honorable J. Craig Wright, a judge of the Court of Claims of Ohio, to proceed to judgment in Court of Claims case No. 2005-04373 wherein relator is the plaintiff.

Findings of Fact:

{¶7} 1. On May 15, 2008, relator, an RCI inmate, filed this original action against respondent. In his complaint, relator alleges that on March 22, 2005, he filed in the Court of Claims of Ohio an action alleging a claim for false imprisonment. Relator further alleges that his action in the Court of Claims was tried on November 14, 2006, but no decision has issued.

{¶8} 2. On December 30, 2008, respondent filed a motion to dismiss. In support, respondent submitted a certified copy of a magistrate's decision filed in the Court of Claims on July 23, 2008 in case No. 2005-04373. Respondent also submitted a certified copy of his judgment entry filed September 24, 2008 in case No. 2005-04373. In the judgment entry, respondent rendered judgment for the plaintiff in the amount of \$6,088.25, and the magistrate's decision is adopted as modified in the judgment entry.

{¶9} 3. On January 7, 2009, this magistrate issued an order converting respondent's motion to dismiss to one for summary judgment under Civ.R. 56. In the January 7, 2009 order, this magistrate also gave notice to the parties that the motion for summary judgment is set for submission to the magistrate on January 26, 2009.

{¶10} 4. Relator did not respond to respondent's motion for summary judgment.

Conclusions of Law:

{¶11} It is the magistrate's decision that this court grant respondent's motion for summary judgment.

{¶12} Summary judgment is appropriate when the movant demonstrates that: (1) there is no genuine issue of material fact; (2) the moving party is entitled to judgment as a matter of law; and (3) reasonable minds can come to but one conclusion, and that conclusion is adverse to the party against whom the motion for summary judgment is made, said party being entitled to have the evidence construed most strongly in his favor. *Turner v. Turner* (1993), 67 Ohio St.3d 337, 339-340; *Bostic v. Connor* (1988), 37 Ohio St.3d 144, 146; *Harless v. Willis Day Warehousing Co.* (1978), 54 Ohio St.2d 64, 66. The moving party bears the burden of proving no genuine issue of material fact exists. *Mitseff v. Wheeler* (1988), 38 Ohio St.3d 112, 115.

{¶13} Civ.R. 56(E) states:

\* \* \* When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the party's pleadings, but the party's response, by affidavit or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the party does not so respond, summary judgment, if appropriate, shall be entered against the party.

{¶14} Relator's failure to respond to the motion for summary judgment indicates that summary judgment is appropriate here. It is undisputed that relator has received from the respondent the relief relator has requested in this action.

{¶15} Accordingly, it is the magistrate's decision that this court grant respondent's motion for summary judgment.

/s/ *Kenneth W. Macke*

KENNETH W. MACKE  
MAGISTRATE

**NOTICE TO THE PARTIES**

Civ.R. 53(D)(3)(a)(iii) provides that a party shall not assign as error on appeal the court's adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party timely and specifically objects to that factual finding or legal conclusion as required by Civ.R. 53(D)(3)(b).