



County. By entry of January 28, 2004, we found that venue was improper in Ross County and ordered the case transferred to Lawrence County.

{¶2} On February 20, 2004, an answer and motion to dismiss was filed on behalf of the Lawrence County common pleas court. Attached to each was a copy of entry filed February 12, 2004, signed by Judge Frank J. McCown of that court, crediting relator with a total of 188 days jail-time credit, more than he sought in his complaint. Because the motion to dismiss presented matters outside the pleadings, we converted it to a motion for summary judgment, gave notice to the parties, and ordered relator to file his evidence and brief by April 6, 2004. He has not filed anything.

{¶3} It appears that the relief relator sought has been granted. Mandamus will not issue to compel an act already performed, *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163, applied to a complaint seeking a writ for additional jail-time credit, *State ex rel. Dozier v. Friedman* (Sept. 25 1997), Cuyahoga App. No. 72889.

{¶4} Accordingly, respondent's motion for summary judgment is GRANTED and a writ of mandamus is DENIED. Costs are taxed to relator. SO ORDERED.

Harsha, J., concurs.  
Evans, J., not participating.

FOR THE COURT

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Peter B. Abele, Administrative Judge

**NOTICE TO COUNSEL**

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.