

[Cite as *State ex rel. Brown v. Henson*, 2014-Ohio-1043.]

COURT OF APPEALS
RICHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO EX REL.	:	JUDGES:
JUHAN BROWN	:	Hon. W. Scott Gwin, P.J.
	:	Hon. William B. Hoffman, J.
	:	Hon. Sheila G. Farmer, J.
Relator	:	
	:	
-vs-	:	Case No. 13CA108
	:	
JUDGE JAMES D. HENSON	:	
	:	<u>OPINION</u>
Respondent	:	

CHARACTER OF PROCEEDING: Writ of Mandamus

JUDGMENT: Dismissed

DATE OF JUDGMENT ENTRY: March 13, 2014

APPEARANCES:

For Relator For Respondent

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Gwin, P.J.

{¶1} Relator, Juhan Brown, has filed a Complaint for Writ of Mandamus requesting Respondent be ordered to rule on a motion filed in the trial court on July 15, 2013. Respondent has filed a motion to dismiss arguing Relator does not have a clear legal right to the ruling in the time frame suggested by Relator.

{¶2} For a writ of mandamus to issue, the relator must have a clear legal right to the relief prayed for, the respondent must be under a clear legal duty to perform the requested act, and relator must have no plain and adequate remedy in the ordinary course of law. *State, ex rel. Berger, v. McMonagle*, 6 Ohio St.3d 28, 451 N.E.2d 225 (1983).

{¶3} The Supreme Court has held procedendo and mandamus will not issue where the requested relief has been obtained, “Neither procedendo nor mandamus will compel the performance of a duty that has already been performed.” *State ex rel. Kreps v. Christiansen*, 88 Ohio St.3d 313, 318, 725 N.E.2d 663, 668 (2000).

{¶4} On December 27, 2013, the trial court provided the requested ruling which has been appealed to this Court and assigned Richland County Case Number 14CA3.

For this reason, the instant petition is dismissed as moot.

By Gwin, P.J.,

Hoffman, J., and

Farmer, J., concur