

aCOURT OF APPEALS
FAIRFIELD COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO, EX REL.,
ALEEM AKRAM

Relator

-vs-

JUDGE RICHARD E. BERENS

Respondent

JUDGES:

Hon. William B. Hoffman, P.J.

Hon. Sheila G. Farmer, J.

Hon. Patricia A. Delaney, J.

Case No. 15-CA-62

OPINION

CHARACTER OF PROCEEDING:

Writ of Procedendo

JUDGMENT:

Dismissed

DATE OF JUDGMENT ENTRY:

January 13, 2016

APPEARANCES:

For Relator

For Respondent

ALEEM AKRAM #676-949
Pickaway Correctional Institute
P.O. Box 209
Orient, Ohio 43146

No Appearance

Hoffman, P.J.

{¶1} Relator, Aleem Akram, has filed a Petition for Writ of Procedendo. Relator requests Respondent be ordered to rule on a motion filed in the trial court on June 4, 2015. On December 10, 2015 Respondent ruled upon the motion.

{¶2} To be entitled to a writ of procedendo, “a relator must establish a clear legal right to require the court to proceed, a clear legal duty on the part of the court to proceed, and the lack of an adequate remedy in the ordinary course of law.” *Miley*, supra, at 65, citing *State ex rel. Sherrills v. Cuyahoga Cty. Court of Common Pleas* (1995), 72 Ohio St.3d 461, 462. The Supreme Court has noted, “The writ of procedendo is merely an order from a court of superior jurisdiction to one of inferior jurisdiction to proceed to judgment. It does not in any case attempt to control the inferior court as to what that judgment should be.” *State ex rel. Davey v. Owen*, 133 Ohio St. 96, *106, 12 N.E.2d 144, * *149 (1937).

{¶3} The Supreme Court has held procedendo 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 (Ohio, 2000).

{¶4} Because Respondent has issued a ruling on Relator’s motion, the request for a writ of procedendo has become moot. For this reason, the Petition for Writ of Procedendo is dismissed.

{¶5} PETITION DISMISSED.

{¶6} COSTS WAIVED.

{17} IT IS SO ORDERED.

By: Hoffman, P.J.

Farmer, J. and

Delaney, J. concur