

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio, ex rel.,
Charles E. Boussum

Court of Appeals No. L-11-1029

Relator

v.

Court of Common Pleas,
for Lucas County, Ohio,
Judge Charles J. Doneghy

DECISION AND JUDGMENT

Respondent

Decided: March 29, 2011

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Charles E. Boussum, pro se.

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SINGER, J.

{¶ 1} On February 14, 2011, relator, Charles E. Boussum, filed a complaint for writ of procedendo against respondent, Judge Charles J. Doneghy, Lucas County Court of Common Pleas, Ohio.

{¶ 2} Procedendo is appropriate when a court has either refused to render judgment or has unnecessarily delayed proceeding to judgment. *State ex rel. Watkins v.*

Eighth District Court of Appeals (1998), 82 Ohio St.3d 532, 535. Where a judge no longer has authority to preside over a trial court action, the writ will not issue to require the judge to render a ruling. See *Howard v. Spore* (July 31, 2000), 6th Dist. No. L-00-1179.

{¶ 3} In this case, Judge Doneghy retired from the bench in December 2010. As a result, he no longer has the authority to rule on any pleadings or motions filed by relator. Judge Myron Duhart was appointed and now presides over the docket which was formerly assigned to retired Judge Doneghy. Therefore, since Judge Doneghy no longer has authority to rule on his motion, relator cannot establish the necessary elements for the granting of a writ of procedendo.

{¶ 4} Accordingly, relator's complaint for writ of procedendo is dismissed. Costs assessed to relator.

{¶ 5} Pursuant to Civ.R. 58(B), the clerk is directed to serve upon all parties, within three days, a copy of this decision in a manner prescribed by Civ.R. 5(B).

{¶ 6} The clerk may serve respondent in care of the Lucas County Court of Common Pleas, Courtroom 8.

{¶ 7} It is so ordered.

WRIT DENIED.

State ex rel. Boussum
v. Doneghy
C.A. No. L-11-1029

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.

JUDGE

Thomas J. Osowik, P.J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.