

[Cite as *Andrick v. McMonagle*, 2001-Ohio-4152.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 80099

JOHN ANDRICK, JR.	:	ORIGINAL ACTION
	:	
	:	
Relator	:	
	:	JOURNAL ENTRY
v.	:	AND
	:	OPINION
JUDGE RICHARD J. McMONAGLE	:	
	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: OCTOBER 11, 2001

CHARACTER OF PROCEEDING: WRIT OF PROCEDENDO

JUDGMENT: Dismissed.

APPEARANCES:

For Relator:

JOHN ANDRICK, *pro se*
No. 215-815
North Central Correctional
Institution
P.O. Box 1812
Marion, Ohio 43301

For Respondent:

WILLIAM D. MASON, Esq.
Cuyahoga County Prosecutor

L. CHRISTOPHER FREY, ESQ.
Assistant Prosecuting Atty.
1200 Ontario Street
Cleveland, Ohio 44113

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KARPINSKI, ADM.J.:

Relator, John Andrick, has filed a complaint for writ of procedendo through which he seeks an order from this Court which requires the respondent, Judge Richard J. McMonagle, to render a ruling with regard to a "motion to vacate judgment of revival of judgment for court costs" that was filed in the underlying case of *State v. Andrick*, Cuyahoga County Court of Common Pleas Case No. CR-241330. The respondent has filed a "motion to dismiss petition for writ of procedendo or in the alternative, motion for summary judgment."

Attached to the motion to dismiss is a copy of a judgment entry, as journalized on August 29, 2001, which demonstrates that the respondent has issued a ruling with regard to the relator's motion to vacate judgment of revival. Accordingly, the relator's request for a writ of procedendo is moot. *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163; *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

Accordingly, we grant the respondent's motion to dismiss. Costs to relator. It is further ordered that the Clerk of the Eighth District Court of Appeals shall serve notice of this judgment and date of entry upon all parties as mandated by Civ.R. 58(B). Costs to relator.

Dismissed.

JUDGE MICHAEL J. CORRIGAN, and

JUDGE TERRENCE O'DONNELL CONCUR.

DIANE KARPINSKI
ADMINISTRATIVE JUDGE