

[Cite as *State ex rel. Aniton v. Suster*, 2001-Ohio-4166.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 79862

STATE OF OHIO, EX REL.	:	
ERIC ANITON	:	JOURNAL ENTRY
	:	
Relator	:	AND
	:	
-vs-	:	OPINION
	:	
HONORABLE RONALD SUSTER	:	
	:	
Respondent	:	

Date of Journalization: AUGUST 28, 2001

Character of Proceeding: PROCEDENDO

Judgment: Dismissed

Appearances:

For Relator: ERIC L. ANITON, *PRO SE*
Inmate No. 204-409
North Central Corr. Institute
P.O. Box 1812
Marion, Ohio 43301-1812

For Respondent: WILLIAM D. MASON
Cuyahoga County Prosecutor
DIANE SMILANICK, Assistant
Prosecuting Attorney
1200 Ontario Street
Cleveland, Ohio 44113

JAMES J. SWEENEY, J.:

On June 25, 2001, the relator, Eric L. Aniton, commenced this procedendo action against the respondent, Judge Ronald Suster, to compel the judge to issue a ruling with regard to a petition for post-conviction relief that was filed in *State v. Aniton*, Cuyahoga County Court of Common Pleas Case No. CR-226872. On August 1, 2001, the respondent, through the Cuyahoga County Prosecutor, filed an answer and a motion to dismiss, or in the alternative, a motion for summary judgment.

Attached to the respondent's motion for summary judgment is a copy of the findings of fact and conclusions of law pertaining to the petition for the post-conviction relief which was journalized on August 1, 2001. Thus, 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 County Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

Accordingly, we grant the respondent's motion for summary judgment. Respondent to bear costs. It is further ordered that

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the clerk shall serve upon all parties notice of this judgment and
date of entry pursuant to Civ.R. 58(B).

Writ denied.

MICHAEL J. CORRIGAN, P.J., and

FRANK D. CELEBREZZE, JR., J., CONCUR.

JAMES J. SWEENEY
JUDGE