

[Cite as *State ex rel. Baur v. Brooklyn Mun. Court*, 2002-Ohio-1262.]

COURT OF APPEALS OF OHIO EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 80785

STATE OF OHIO, EX REL.	:	ORIGINAL ACTION
MICHAEL E. BAUR	:	
	:	
Relator	:	JOURNAL ENTRY
	:	
vs.	:	and
	:	
BROOKLYN MUNICIPAL COURT	:	OPINION
	:	
	:	
Respondent	:	

CHARACTER OF PROCEEDING:	WRIT OF PROCEDENDO
	(Motion No. 35884)

JUDGMENT:	WRIT DENIED. MOTION FOR
	SUMMARY JUDGMENT GRANTED.

DATE OF JOURNALIZATION:	March 21, 2002
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APPEARANCES:

For Relator:	MICHAEL E. BAUR, <i>Pro Se</i>
	Inmate No. A407-122
	Richland Correctional Inst.
	P.O. Box 8107
	Mansfield, Ohio 44901

For Respondent:	THOMAS O. SHAPER, ESQ.
	Brooklyn City Law Director
	7619 Memphis Avenue
	Brooklyn, Ohio 44144

COLLEEN CONWAY COONEY, J.:

{¶1} On January 23, 2002, the relator, Michael Baur, commenced this procedendo action against the respondent, the Brooklyn Municipal Court, to compel the court to try him or otherwise proceed to judgment in the underlying case, *City of Brooklyn v. Michael Baur*, Brooklyn Mayor's Court, Case No. 46671-D, Citation No. A 2552. In the underlying case, the city charged him with petty theft/shoplifting. He is now in prison pursuant to his conviction for receiving stolen property, and he requested that the court proceed to judgment. However, there has been no action in the underlying case.

{¶2} On February 14, 2002, the respondent moved for summary judgment on the grounds of mootness because the City of Brooklyn dismissed the petty theft/shoplifting charge. Attached to the summary judgment motion is a dismissal entry supporting the motion. Baur has not filed any response to this dispositive motion. This court grants the respondent's motion for summary judgment and rules that this procedendo action is moot. The City of Brooklyn has dismissed the charge and will not proceed against Baur. The application for a writ of procedendo is denied. Each side shall bear its own costs. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

COLLEEN CONWAY COONEY  
JUDGE

KENNETH A. ROCCO, P.J. CONCURS

ANN DYKE, J. CONCURS