

[Cite as *State ex rel. Young v. Mannen*, 2002-Ohio-2027.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 80893

STATE OF OHIO, EX REL.
TERMAINE YOUNG

Relator

vs.

ANN T. MANNEN, JUDGE
COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

Respondent

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PETITION FOR WRIT OF

MANDAMUS

JOURNAL ENTRY AND OPINION

MOTION NO. 36597

DATE OF JOURNALIZATION:

APRIL 25, 2002

JUDGMENT:

WRIT DENIED.

APPEARANCES:

For relator:

TERMAINE YOUNG, *Pro Se*
Inmate No. 409-728
P. O. Box 8107
Mansfield, Ohio 44901

For respondent:

WILLIAM D. MASON
Cuyahoga County Prosecutor
L. CHRISTOPHER FREY
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

PATRICIA ANN BLACKMON, P.J.:

{¶1} Termaine Young, the relator, filed a complaint for a writ of mandamus through which he seeks an order from this court which requires Judge Ann T. Mannen, the respondent, to issue a ruling with regard to a "petition seeking notice of plain error on cause to lack of subject matter jurisdiction" as filed in the underlying action of *State v. Young*, Cuyahoga County Court of Common Pleas Case No. CR-410386. Before this court, Judge Mannen filed for summary judgment. We grant that motion.

{¶2} Initially, we find that Young has failed to comply with the mandatory requirements of R.C. 2969.25(A), which provides that an inmate, when filing a civil action against a government entity or employee, must also file an affidavit that contains a description of each civil action or appeal of a civil action filed in the previous five (5) years in either state or federal court. *State ex rel. Akbar-El v. Cuyahoga Cty. Court of Common Pleas* (2002), 94 Ohio St.3d 210, 761 N.E.2d 624; *State ex rel. Sherrills v. Franklin Cty. Clerk of Courts* (2001), 92 Ohio St.3d 402, 750 N.E.2d 594. In addition, Young has failed to support his complaint with an affidavit that specifies the details of his complaint as required by Loc.App.R. 45(B)(1)(a). *State ex rel. Wilson v. Calabrese* (Jan. 18, 1996), Cuyahoga App. No. 70077,

unreported; *State ex rel. Smith v. McMonagle* (July 17, 1996), Cuyahoga App. No. 70899, unreported.

{¶3} Finally, attached to Judge Mannen's motion for summary judgment is a copy of a judgment entry, as journalized on March 14, 2002, which denied Young's "petition seeking notice of plain error." Accordingly, Young's complaint for a writ of mandamus 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.

{¶4} Accordingly, we grant Judge Mannen's motion for summary judgment. Costs to Young. It is further ordered that the Clerk of the Eighth District Court of Appeals shall serve upon all parties, pursuant to Civ.R. 58(B), notice of this judgment and date of entry.

Writ denied.

ANN DYKE, J., and

COLLEEN CONWAY COONEY, J., CONCUR.

PATRICIA ANN BLACKMON
PRESIDING JUDGE