

[Cite as *State ex rel. McGee v. Mahon*, 2002-Ohio-6647.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 81753

STATE OF OHIO, EX REL. : ORIGINAL ACTION
BELVIN McGEE

Relator : JOURNAL ENTRY

vs. : AND

JUDGE WILLIAM E. MAHON, ET AL : OPINION

Respondent :

:

DATE OF JOURNALIZATION : DECEMBER 5, 2002

CHARACTER OF PROCEEDING : WRIT OF MANDAMUS

JUDGMENT : WRIT DENIED

APPEARANCES:

For Relator:

BELVIN McGEE
Inmate No. 379-965
Lorain Correctional
Institution
2075 South Avon Belden Road
Grafton, Ohio 44044

For Respondent:

WILLIAM D. MASON
Cuyahoga County Prosecutor
L. CHRISTOPHER FREY
Assistant County Prosecutor
Justice Center - 8th Floor
1200 Ontario Street

ANNE L. KILBANE, J.:

{¶1} On October 18, 2002, Belvin McGee, sought a mandamus action to compel either Judge William Mahon or Judge Daniel Corrigan to rule on his May 7, 2002, motion to withdraw his guilty plea in *State v. McGee*, Cuyahoga County Court of Common Pleas Case No. CR-3383003. On November 8, 2002, the Judges filed a motion for summary judgment and attached a copy of the court's docket which indicates that McGee's motion was denied on November 4, 2002. Therefore, the request for a writ of mandamus is moot.¹

{¶2} Furthermore, we find that McGee has failed to comply with R.C. 2969.25 which mandates that he attach an affidavit to his complaint that describes each civil action or appeal of a civil action filed in the previous five years, and such failure constitutes sufficient grounds for dismissal of the relator's complaint for a writ of mandamus.²

{¶3} Accordingly, we grant the motion for summary judgment. McGee to bear costs. It is further ordered that the clerk shall serve upon all parties notice of this judgment and date of entry pursuant to Civ.R. 58(B).

¹ *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.

² *State ex rel. Zanders v. Ohio Parole Board* (1998), 82 Ohio St.3d 421, 696 N.E.2d 594; *State ex rel. Alford v. Winters* (1997), 80 Ohio St.3d 285, 685 N.E.2d 1242.

Writ denied.

JAMES D. SWEENEY, J. AND

KENNETH A. ROCCO, P.J., CONCUR

ANNE L. KILBANE
JUDGE