

[Cite as *State ex rel. Horn v. Gallagher*, 2003-Ohio-185.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NOS. 81908, 81945

STATE, EX REL. DARREN HORN	:	ORIGINAL ACTION
	:	
Relator	:	JOURNAL ENTRY
	:	and
vs.	:	OPINION
	:	
JUDGE EILEEN A. GALLAGHER	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION : JANUARY 16, 2003

CHARACTER OF PROCEEDING : WRIT OF PROCEDENDO

JUDGMENT : Dismissed as Moot.
Motion No. 343253.
Motion No. 343254.

APPEARANCES:

For Relator : DARREN HORN, pro se
Inmate No. A-369-876
Richland Correctional Institution
P.O. Box 8107
Mansfield, Ohio 44901

For Respondent : WILLIAM D. MASON
Cuyahoga County Prosecutor
DIANE SMILANICK
Assistant Prosecuting Attorney
Justice Center, Ninth Floor

1200 Ontario Street
Cleveland, Ohio 44113

TERRENCE O'DONNELL, J.:

{¶1} On October 16, 2002, the Relator, Darren Horn, commenced this original action for a Writ of Procedendo to compel Respondent, Judge Eileen Gallagher, to rule on his motion for jail time credit in *State v. Horn*, Cuyahoga County Court of Common Pleas Case No. CR-369002, which was filed on May 20, 2002.¹ On November 13, 2002, Respondent, through the Cuyahoga County Prosecutor, filed an answer and a motion for summary judgment.

{¶2} Attached to the Respondent's motion for summary judgment is a copy of the court's docket which indicates that on October 22, 2002, Relator was granted ten (10) days jail time credit thereby rendering the Relator's request for a Writ of Procedendo moot. *State ex rel. Grant 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.

{¶3} Accordingly, we grant the Respondent's motion for summary judgment as the relief sought has been granted. Respondent to pay 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).

Application for Writ of Procedendo dismissed as moot.

¹On November 1, 2002, this court, sua sponte, consolidated Case Nos. 81908 and 81945 for review.

TERRENCE O'DONNELL
JUDGE

JAMES J. SWEENEY, P.J. and
DIANE KARPINSKI, J., CONCUR.