

[Cite as *State ex rel. Roberson v. Gallagher*, 2003-Ohio-2330.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 82704

STATE OF OHIO, EX REL.
GARY D. ROBERSON

Relator

-vs-

EILEEN GALLAGHER, JUDGE
COURT OF COMMON PLEAS

Respondent

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: JOURNAL ENTRY
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: AND
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: OPINION
:
:
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Date of Journalization: MAY 2, 2003

Character of Proceeding: PROCEDENDO

Judgment: DISMISSED

Appearances:

For Relator:

GARY D. ROBERSON, PRO SE
Inmate No. 432-727
Pickaway Correctional Institute
P.O. Box 209
Orient, Ohio 43146

For Respondent:

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

JAMES J. SWEENEY, J.:

{¶1} On March 31, 2003, the relator, Gary D. Roberson, commenced this procedendo action against the respondent, Judge Eileen Gallagher, to compel her to rule on his motion for jail time credit that was filed in *State v. Roberson*, Cuyahoga County Court of Common Pleas Case Nos. CR-421986, CR-422185, CR-422834, CR-423646, CR-424065, and CR-423647. On April 9, 2003, the respondent, through the Cuyahoga County Prosecutor, filed an answer and a motion for summary judgment.

{¶2} Our review of the record indicates that Judge Gallagher ruled on Roberson's motion and awarded him 118 days of jail time credit on April 4, 2003. Therefore, Roberson'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.

{¶3} Accordingly, we grant the respondent's motion for summary judgment. Relator 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).

Writ dismissed.

ANNE L. KILBANE, P.J., and
COLLEEN CONWAY COONEY, J., CONCUR.

JAMES J. SWEENEY
JUDGE