

[Cite as *State ex rel. Roberson v. McGinty*, 2004-Ohio-157.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 83449

STATE OF OHIO, EX REL.,	:	ORIGINAL ACTION
CURTIS ROBERSON	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JUDGE TIMOTHY J. MCGINTY	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: JANUARY 9, 2004

CHARACTER OF PROCEEDINGS: WRIT OF PROCEDENDO

JUDGMENT: Writ Denied.
Order No. 355470
Motion No. 354571

APPEARANCES:

For Relator:	CURTIS ROBERSON, PRO SE
	Inmate No. A433-421
	Lake Erie Correctional Inst.
	P.O. Box 8000

Conneaut, Ohio 44030-8000

For Respondent:

WILLIAM D. MASON, ESQ.
Cuyahoga County Prosecutor
BY: CHRISANA C. BLANCO, ESQ.
Assistant County Prosecutor
Justice Center - 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

ANNE L. KILBANE, J.

{¶1} Curtis Roberson requests that this court compel Judge Timothy J. McGinty to issue a ruling on his motion for return of property he filed in *State v. Roberson*, Cuyahoga County Court of Common Pleas Case No. CR-423378 on April 8, 2003.

{¶2} The judge moved for summary judgment and attached a copy of a November 10, 2003 journal entry denying Roberson's motion. Roberson has not opposed the motion. The judge contends that this action in procedendo is moot and we agree.

{¶3} The motion for summary judgment is granted. Roberson to pay 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).

{¶4} The writ is denied.

Writ denied.

KENNETH A. ROCCO, P.J., and PATRICIA A. BLACKMON, J.,
concur.