

[Cite as *State ex rel. Walker v. McCormick*, 2004-Ohio-3286.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 84507

STATE OF OHIO, EX REL.,	:	ORIGINAL ACTION
CHARLES A. WALKER	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JUDGE TIMOTHY MCCORMICK	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION:	JUNE 22, 2004
CHARACTER OF PROCEEDINGS:	WRIT OF PROCEDENDO
JUDGMENT:	Writ Denied. Order No. 361092 Motion No. 360598 and 359759

APPEARANCES:

For Relator:	CHARLES WALKER, PRO SE Inmate No. A386-311 Lake Erie Correctional Inst. P.O. Box 8000 Conneaut, Ohio 44030-8000
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For Respondent:	WILLIAM D. MASON, ESQ. Cuyahoga County Prosecutor BY: MATTHEW E. MEYER Assistant County Prosecutor Justice Center - 9 th Floor 1200 Ontario Street Cleveland, Ohio 44113
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Judge Sean Gallagher:

{¶1} On April 16, 2004, relator Charles A. Walker commenced this

procedendo action against Judge Timothy McCormick to compel him to rule on his petition for post-conviction relief in *State v. Walker*, Cuyahoga County Court of Common Pleas Case No. CR-383771, which was filed on April 13, 2003. On June 1, 2004, Judge McCormick, through the Cuyahoga County Prosecutor's Office, filed a consolidated answer and a motion for summary judgment.

{¶2} Attached to the motion for summary judgment is a copy of a journal entry which indicates that on May 26, 2004, Judge McCormick denied Walker's petition for post-conviction relief thereby rendering the petition 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. Respondent 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 denied.

SEAN C. GALLAGHER
JUDGE

TIMOTHY E. MCMONAGLE, P.J., CONCURS

ANTHONY O. CALABRESE, JR., J., CONCURS