

[Cite as *State ex rel. Gates v. Villanueva*, 2004-Ohio-4894.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 84685

STATE OF OHIO, EX REL.	:	ORIGINAL ACTION
DENNIS GATES	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JOSE A. VILLANUEVA, JUDGE	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: SEPTEMBER 15, 2004

CHARACTER OF PROCEEDINGS: WRIT OF PROCEDENDO

JUDGMENT: Writ Denied.  
Motion No. 362720  
Order No. 363708

APPEARANCES:

For Relator: DENNIS GATES, pro se  
Inmate No. 359-725  
Mansfield Correctional Inst.  
P.O. Box 788  
Mansfield, Ohio 44901

For Respondent: WILLIAM D. MASON  
Cuyahoga County Prosecutor  
BY: KERRY A. SOWUL  
Assistant County Prosecutor  
Justice Center - 9<sup>th</sup> Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

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Administrative Judge Michael J. Corrigan:

{¶ 1} On May 19, 2004, relator, Dennis Gates, commenced this procedendo action against respondent, Judge Jose Villanueva, to compel him to rule on his post-conviction petition filed in *State v. Gates*, Cuyahoga County Court of Common Pleas Case No. CR-360793 which was originally filed on April 26, 1999. On August 5, 2004, respondent, through the Cuyahoga County Prosecutor, filed a motion for summary judgment to which Gates did not submit a response. Attached to the respondent's motion for summary judgment is a copy of the court's findings of fact and conclusions of law denying Gate's post-conviction petition. Thus, Gates petition for a writ of procedendo is 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*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723.

{¶ 2} 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.

MICHAEL J. CORRIGAN  
ADMINISTRATIVE JUDGE

ANNE L. KILBANE, J., CONCURS

SEAN C. GALLAGHER, J., CONCURS

