

[Cite as *State ex rel. Foster v. Cleveland Mun. Court*, 2005-Ohio-196.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 85494

STATE OF OHIO, EX REL.,	:	ORIGINAL ACTION
MICHAEL FOSTER	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
CLEVELAND MUNICIPAL COURT	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: JANUARY 14, 2005

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Motion No. 366583
Order No. 366778

APPEARANCES:

For Relator: MICHAEL FOSTER, pro se
Inmate No. 423-695
P.O. Box 57
Marion, Ohio 43301

For Respondent: WILLIAM D. MASON
Cuyahoga County Prosecutor
Justice Center - 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

SUBODH CHANDRA
Director of Law
City of Cleveland Law Dept.
601 Lakeside Ave., Room 106
Cleveland, Ohio 44114

KENNETH A. ROCCO, J.:

{¶ 1} Michael Foster has filed a complaint for a writ of mandamus. Foster seeks an order from this court which requires the Cleveland Municipal Court to "dismiss cases CRB-26507 and CRB-38236". The Cleveland Municipal Court has filed a motion for summary judgment.

{¶ 2} Attached to the motion for summary judgment are copies of the Cleveland Municipal Court docket as kept with regard to Cleveland Municipal Court Criminal Case Nos. CRB-26507 and CRB-38326. The docket entries demonstrate that Foster entered pleas of no contest in both CRB-26507 and CRB-38326, was found guilty by the Cleveland Municipal Court in both cases, and sentenced. Foster's request for a writ of mandamus is thus moot. *State ex rel. Jerningham v. Cuyahoga County Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723, *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163.

{¶ 3} Accordingly we grant the Cleveland Municipal Court's motion for summary judgment. Costs to Foster. In addition, the Clerk of the Eighth District Court of Appeals is ordered to serve notice of this judgment upon all parties as required by Civ.R.

58 (B) .

Writ denied.

KENNETH A. ROCCO
JUDGE

ANN DYKE, P.J., CONCURS

DIANE KARPINSKI, J., CONCURS