

[Cite as *State ex rel. Pugh v. Saffold*, 2005-Ohio-2177.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 85580

STATE OF OHIO, EX REL.,	:	ORIGINAL ACTION
WALLACE PUGH	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
SHIRLEY STRICKLAND SAFFOLD,	:	
JUDGE	:	
Respondent	:	

DATE OF JOURNALIZATION: MAY 3, 2005

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Motion No. 369254
Order No. 369304

APPEARANCES:

For Relator: WALLACE PUGH, pro se
Inmate No. 358-188
Mansfield Correctional Inst.
P.O. Box 788
1150 North Main Street
Mansfield, Ohio 44901

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

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Judge Colleen Conway Cooney:

{¶1} On November 23, 2004, relator, Wallace Pugh, commenced this mandamus action against respondent Judge Shirley Strickland Saffold to compel her to rule on his petition for postconviction relief filed in *State v. Pugh*, Cuyahoga County Court of Common Pleas Case Nos. CR-358233 and CR-359898. On December 16, 2004, respondent, through the Cuyahoga County Prosecutor, filed a motion for summary judgment. Thereafter, on January 3, 2005, Pugh filed his opposition to respondent's motion for summary judgment as well as his own motion for summary judgment. For the following reasons, we grant the respondent's motion for summary judgment and deny Pugh's motion. Respondent has provided us with a copy of the court's entry denying Pugh's postconviction petition, as well as a copy of the court's findings of fact and conclusions of law. Thus, Pugh's petition for a writ of mandamus 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.

— COLLEEN CONWAY COONEY
PRESIDING JUDGE

SEAN C. GALLAGHER, J., CONCURS

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