

[Cite as *State ex rel. Fisher*, 2005-Ohio-4144.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 86598

STATE OF OHIO, EX REL.,	:	ORIGINAL ACTION
MARVIN L. FISHER	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JUDGE JOHN SUTULA	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: AUGUST 5, 2005

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Complaint Dismissed.  
Motion No. 373539  
Order No. 374140

APPEARANCES:

For Relator: MARVIN L. FISHER, pro se  
Inmate No. 450-404  
P. O. Box 8107  
Mansfield, Ohio 44901

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

JUDGE DIANE KARPINSKI:

{¶ 1} Marvin L. Fisher has filed a complaint for a writ of mandamus. Fisher seeks an order from this court which requires Judge John Sutula to render a ruling with regard to a "motion for judicial release" that was filed on August 26, 2004, in the underlying action of *State v. Fisher*, Cuyahoga County Court of Common Pleas Case No. CR-429031. Judge Sutula has filed a motion to dismiss.

{¶ 2} Attached to Judge Sutula's motion to dismiss is a copy of a judgment entry, as journalized on July 6, 2005, which demonstrates a ruling has been issued with regard to Fisher's "motion for judicial release." Accordingly, Fisher's request for a writ of mandamus is moot. *State ex rel. Jerningham v. Cuyahoga County Court of Common Pleas* (1996), 74 Ohio St.3d 278, 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 Judge Sutula's motion to dismiss. Costs to Judge Sutula. It is further ordered that the Clerk of the Eighth District Court of Appeals serve notice of this judgment upon all parties as required by Civ.R. 58(B).

Complaint dismissed.

DIANE KARPINSKI  
PRESIDING JUDGE

SEAN C. GALLAGHER, J., CONCURS

MARY EILEEN KILBANE, J., CONCURS

