

[Cite as *State ex rel. Fogel v. Celebrezze*, 2005-Ohio-6388.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 86560

STATE OF OHIO, EX REL.	:	ORIGINAL ACTION
ADEN FOGEL	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
JUDGE FRANK D. CELEBREZZE, JR.	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: NOVEMBER 29, 2005

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Motion No. 373470
Order No. 377901

APPEARANCES:

For Relator:	ADEN D. FOGEL, pro se
	Inmate No. 451-382
	Richland Correctional
Institution	
	P.O. Box 8107
	Mansfield, Ohio 44901

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

COLLEEN CONWAY COONEY, P.J.:

{¶ 1} On June 17, 2005, the relator, Aden Fogel, commenced this mandamus action against the respondent¹ to compel a ruling on his motion for return of seized property filed on February 4, 2005, in the underlying case, *State v. Aden Fogel*, Cuyahoga County Common Pleas Court Case No. CR-344153. On July 7, 2005, the respondent moved to dismiss, and Fogel filed a brief in opposition. For the following reasons, this court grants the motion to dismiss.

{¶ 2} A review of the docket in the underlying case reveals that the respondent trial court denied Fogel's subject motion in an entry filed August 23, 2005. Fogel has already appealed this decision in *State v. Aden Fogel*, Cuyahoga County Court of Appeals Case No. 87035. This establishes that Fogel has received his requested relief, a ruling on his subject motion, and that the trial court has fulfilled its duty to rule on the motion. Therefore, this mandamus action is moot.

{¶ 3} Accordingly, this court denies Fogel's application for a writ of mandamus.

Costs assessed against relator.

The clerk is directed to serve upon the parties notice of this

¹ Fogel originally named Judge Frank D. Celebrezze, Jr. as the respondent because he was the initial trial judge. When Fogel learned through the motion to dismiss that Judge Celebrezze was no longer the trial judge, Fogel moved to amend his complaint to name the successor judge as the respondent. This court grants that motion to amend.

judgment and its date of entry upon the journal. Civ.R. 58(B).

COLLEEN CONWAY COONEY
PRESIDING JUDGE

DIANE KARPINSKI, J., CONCURS

MICHAEL J. CORRIGAN, J., CONCURS