

[Cite as *State ex rel. Frazier v. Saffold*, 2006-Ohio-4494.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 88166

STATE OF OHIO, EX REL.,
THOMAS FRAZIER

Relator

VS.

SHIRLEY STRICKLAND
SAFFOLD, JUDGE

Respondent

ORIGINAL ACTION

JOURNAL ENTRY AND OPINION

DATE OF JOURNALIZATION: AUGUST 29, 2006

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Writ Denied.
Motion No. 384858
Order No. 387100

APPEARANCES:

For Relator:	THOMAS FRAZIER, pro se Inmate No. A303-936 Richland Correctional Inst. P.O. Box 8107 Mansfield, Ohio 44901-8107
For Respondent:	WILLIAM D. MASON Cuyahoga County Prosecutor BY: MATTHEW E. MEYER Assistant County Prosecutor Justice Center - 9 th Floor 1200 Ontario Street Cleveland, Ohio 44113

JUDGE COLLEEN CONWAY COONEY:

{¶ 1} Thomas Frazier has filed a complaint for a writ of mandamus. He seeks an order from this court, which requires Judge Shirley Strickland Saffold to rule on a motion captioned “in re: motion pursuant to crim. rule (52-B) plain error effecting substantial rights, not to be construed as a R.C. 2953.21 petition for post conviction relief”, which was filed in *State v. Frazier*, Cuyahoga County Common Pleas Court Case No. CR-322046, on July 5, 2005.

{¶ 2} Judge Saffold has filed a motion for summary judgment and attached a copy of a judgment entry, journalized on May 23, 2006, which demonstrates that she has issued a ruling with regard to Frazier’s pending motion. Frazier’s request for a writ of mandamus is therefore moot. *State ex rel. Jerningham v. Cuyahoga Cty. 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 Saffold’s motion for summary judgment. Costs to Judge Saffold. 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).

Writ denied.

COLLEEN CONWAY COONEY
JUDGE

ANN DYKE, A.J., CONCURS

JAMES J. SWEENEY, J., CONCURS