

[Cite as *State ex rel. Simpkins v. Grafton Correctional Inst.*, 2006-Ohio-688.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 87224

STATE OF OHIO, EX REL.,	:	ORIGINAL ACTION
CURTIS L. SIMPKINS	:	
	:	JOURNAL ENTRY
Relator	:	AND
	:	OPINION
vs.	:	
	:	
GRAFTON CORRECTIONAL	:	
INSTITUTIONAL, RECORDS	:	
	:	
Respondent	:	

DATE OF JOURNALIZATION: FEBRUARY 15, 2006

CHARACTER OF PROCEEDINGS: WRIT OF MANDAMUS

JUDGMENT: Complaint Dismissed.
Motion No. 378631
Order No. 380443

APPEARANCES:

For Relator: CURTIS L. SIMPKINS, pro se
Inmate No. 359-782
Grafton Correctional Inst.
2500 South Avon Belden Road
Grafton, Ohio 44044
(Last Known Address)

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

JUDGE MICHAEL J. CORRIGAN:

{¶ 1} Curtis L. Simpkins has filed a complaint for a writ of mandamus. Simpkins seeks an order from this court which requires Liann Bower, Record Supervisor at the Bureau of Sentence Computation for the Ohio Department of Rehabilitation and Correction, to "reverse their act of altering the Relator's sentence/record from Stated/Definite to Mandatory, and restore the record to it's original status." Liann Bower has filed a motion to dismiss as well as a supplement to the motion to dismiss which we grant for the following reasons.

{¶ 2} Initially, we find that venue is not appropriate within this court since Liann Bower's principal office is not located within Cuyahoga County. *State ex rel. Ranzy v. Mitchell* (Oct. 1, 1998), Cuyahoga App. No. 74873; *State ex rel. McCool v. Callahan* (Jan. 15, 1998), Cuyahoga App. No. 73560. In addition, Simpkins' claim for a writ of mandamus is moot since he has been released from prison. See attachments appended to the "supplement to respondent's motion to dismiss" as filed on Jan. 16, 2006. *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163; *State ex rel. Jerningham v. Cuyahoga County Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

{¶ 3} Accordingly, we grant the motion to dismiss. Costs to Simpkins. 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.

MICHAEL J. CORRIGAN
JUDGE

FRANK D. CELEBREZZE, JR., P.J., CONCURS

MARY EILEEN KILBANE, J., CONCURS