

[Cite as *State ex rel. McCuller v. Callahan*, 2007-Ohio-2491.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 89742

**STATE OF OHIO, EX REL.,
CHARLES D. MCCULLER**

RELATOR

VS.

KENNETH R. CALLAHAN

RESPONDENT

**JUDGMENT:
PETITION DISMISSED**

WRIT OF MANDAMUS
MOTION NO. 396767
ORDER NO. 396825

RELEASE DATE: May 23, 2007

FOR RELATOR:

Charles McCuller, pro se
Inmate No. 482-821
Mansfield Correctional Inst.
P.O. Box 788
Mansfield, Ohio 44901

ATTORNEY FOR RESPONDENT:

William D. Mason
Cuyahoga County Prosecutor
By: Pamela Bolton
Asst. County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

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MARY J. BOYLE, J.:

{¶ 1} On April 20, 2007, relator Charles McCuller commenced this mandamus action against respondent Judge Kenneth R. Callahan to compel him to rule on his motion to vacate registration requirements pursuant to R.C. 2950.04 in *State v. McCuller*, Cuyahoga County Court of Common Pleas, Case Nos. CR-052011; CR-048919; and CR-048254; which was filed on March 28, 2006. On May 17, 2007, Judge Callahan filed a motion to dismiss petition for writ of mandamus. For the following reason, we grant the motion to dismiss.

{¶ 2} Attached to Judge Callahan's motion to dismiss is a copy of the court's orders denying the motions which were journalized on April 7, 2007. Thus, McCuller's request for a writ of mandamus is moot. *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 dismiss McCuller's petition for a writ of mandamus. Costs to respondent. 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).

Petition dismissed.

MARY J. BOYLE, JUDGE

FRANK D. CELEBREZZE, JR., A.J., and
ANTHONY O. CALABRESE, JR., CONCUR