

[Cite as *State v. Green*, 2008-Ohio-4455.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 91248

**STATE OF OHIO, EX REL.,
DAVID HARRIS**

RELATOR

vs.

JUDGE LILLIAN GREEN

RESPONDENT

**JUDGMENT:
COMPLAINT DENIED**

WRIT OF MANDAMUS
MOTION NO. 410206
ORDER NO. 412616

RELEASE DATE: September 3, 2008

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FOR RELATOR:

David Harris, pro se
Inmate No. A259-668
P.O. Box 7010
Chillicothe, Ohio 45601

ATTORNEYS FOR RESPONDENT:

William D. Mason
Cuyahoga County Prosecutor

By: Matthew E. Meyer
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

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SEAN C. GALLAGHER, J.:

{¶ 1} Relator requests that this court compel respondent judge to issue a ruling on the motion to vacate void sentence judgment filed by relator in *State v. Harris*, Cuyahoga County Court of Common Pleas Case No. CR-282277 on May 16, 2005.

{¶ 2} Respondent has filed a motion for summary judgment attached to which is a copy of the journal entry denying relator's motion to vacate void sentence judgment and received for filing by the clerk on June 16, 2008. Relator has not opposed the motion. Respondent argues that this action in procedendo is, therefore, moot. We agree.

{¶ 3} Accordingly, respondent's motion for summary judgment is granted. Respondent to pay costs. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶ 4} Complaint denied.

SEAN C. GALLAGHER,
PRESIDING JUDGE

KENNETH A. ROCCO, J., and
MARY EILEEN KILBANE, J., CONCUR