

[Cite as *State ex rel. Carter v. Corrigan*, 2008-Ohio-5104.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 91895

**STATE OF OHIO, EX REL.,
ROBERT CARTER**

RELATOR

VS.

PETER CORRIGAN, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

WRIT OF PROCEDENDO
MOTION NO. 412508
ORDER NO. 413593

RELEASE DATE: September 29, 2008

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FOR RELATOR:

Robert Carter, pro se
Inmate No. 523-909
Grafton Correctional Inst.
2500 South Avon Belden Road
Grafton, Ohio 44044

ATTORNEYS FOR RESPONDENT:

William D. Mason
Cuyahoga County Prosecutor

By: Mary McGrath
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

COLLEEN CONWAY COONEY, J.:

{¶ 1} Robert Carter has filed a complaint for a writ of procedendo. Carter seeks an order from this court, which requires Judge Peter Corrigan to render a ruling with regard to a motion for pre-conviction jail time credit that was filed in *State v. Carter*, Cuyahoga County Court of Common Pleas Case No. CR-04-452673-A. Judge Corrigan has filed a motion for summary judgment.

{¶ 2} Attached to the motion for summary judgment is a copy of a judgment entry, journalized on August 19, 2008, which clearly demonstrates that Judge Corrigan has rendered a ruling with regard to Carter's motion for pre-conviction jail time credit. Thus, Carter's request for a writ of procedendo is moot. *State ex rel. Konoff v. Shafer*, 80 Ohio St.3d 294, 1997-Ohio-119, 685 N.E.2d 1248; *Martin v. Judges of the Lucas Cty. Court of Common Pleas* (1990), 50 Ohio St.3d 71, 552 N.E.2d 906.

{¶ 3} Accordingly, we grant Judge Corrigan's motion for summary judgment. Costs waived. 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).

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Writ denied.

COLLEEN CONWAY COONEY, JUDGE

JAMES J. SWEENEY, A.J., and
PATRICIA A. BLACKMON, J., CONCUR

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