

[Cite as *State ex rel. Lisboa v. McCafferty*, 2009-Ohio-1065.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 92752

**STATE OF OHIO, EX REL.,
JOSE LISBOA**

RELATOR

VS.

JUDGE BRIDGET MCCAFFERTY

RESPONDENT

**JUDGMENT:
WRIT DENIED**

WRIT OF PROCEDENDO
MOTION NO. 418936
ORDER NO. 419228

RELEASE DATE: March 9, 2009

FOR RELATOR:

Jose Lisboa, pro se
Rua Ministro Ferreira Alves
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Sao Paulo, SP Brasil 05009-060

ATTORNEYS FOR RESPONDENT:

William D. Mason
Cuyahoga County Prosecutor

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

MELODY J. STEWART, J.:

{¶ 1} Jose Lisboa has filed a complaint for a writ of procedendo. Lisboa seeks an order from this court, which requires Judge Bridget M. McCafferty to render a ruling with regard to a “motion for discharge and or dismiss charges” that was filed in *State v. Lisboa*, Cuyahoga County Court of Common Pleas Case No. CR-451451.

Judge McCafferty has filed a motion for summary judgement, which demonstrates that Lisboa’s request for a writ of procedendo is moot.

{¶ 2} Attached to Judge McCafferty’s motion for summary judgment is a copy of a judgment entry, journalized on February 23, 2009, which demonstrates that a ruling has been rendered with regard to Lisboa’s “motion for discharge and or dismiss charges.” Thus, Lisboa’s request for a writ of procedendo is moot. *State ex*

rel. Snider v. Stapleton (1992), 65 Ohio St.3d 40, 600 N.E.2d 240; *State ex rel. Richard v. Wells* (1992), 64 Ohio St.3d 76, 591 N.E.2d 1240.

{¶ 3} Accordingly, we grant Judge McCafferty'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).

Writ denied.

MELODY J. STEWART, J.

COLLEEN CONWAY COONEY, A.J., and
JAMES J. SWEENEY, J., CONCUR