

[Cite as *State ex rel. Sailor v. McDonnell*, 2009-Ohio-4378.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93507

S/O EX REL., RU-EL SAILOR

RELATOR

VS.

HONORABLE NANCY McDONNELL

RESPONDENT

**JUDGMENT:
WRIT DENIED**

WRIT OF PROCEDENDO
MOTION NO. 423952
ORDER NO. 424298

RELEASE DATE: August 24, 2009

FOR RELATOR

Ru-el Sailor, pro se
Inmate No. A452-967
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ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

BY: James E. Moss
Assistant County Prosecutor
8th Floor Justice Center
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FRANK D. CELEBREZZE, JR., J.:

{¶ 1} On June 22, 2009, relator Ru-El Sailor commenced this procedendo action against respondent Judge Nancy McDonnell to compel her to rule on his motion to have Judge McDonnell recuse herself from the matter involving *State v. Sailor*, Cuyahoga County Court of Common Pleas Case No. CR-435700, which was filed on February 15, 2009. On July 8, 2009, Judge McDonnell, through the Cuyahoga County Prosecutor's office, filed a motion for summary judgment.

{¶ 2} In her motion for summary judgment, Judge McDonnell argues that the matter is moot. Attached to the motion for summary judgment is a copy of Judge McDonnell's order denying the motion. Thus, Sailor's request for a writ of

procedendo 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 Cty. Court of Common Pleas* (1996), 74 Ohio St.3d 278, 658 N.E.2d 723.

{¶ 3} Accordingly, we grant the motion for summary judgment. Costs to relator. 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).

Writ denied.

FRANK D. CELEBREZZE, JR., JUDGE

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