

[Cite as *State ex rel. Barb v. Saffold*, 2009-Ohio-5500.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93851

**STATE OF OHIO, EX REL.,
DANNY BARB**

RELATOR

VS.

JUDGE SHIRLEY STRICKLAND SAFFOLD

RESPONDENT

**JUDGMENT:
WRIT DENIED**

WRIT OF MANDAMUS
MOTION NO. 426796
ORDER NO. 426975

RELEASE DATE: October 14, 2009

FOR RELATOR

Danny Barb, pro se
Inmate No. 540-877
Marion Correctional Inst.
P.O. Box 57
Marion, Ohio 43301

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

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

MARY EILEEN KILBANE, J.:

{¶ 1} Danny Barb has filed a complaint for a writ of mandamus. Barb seeks an order from this court, which requires Judge Shirley Strickland Saffold to issue findings of fact and conclusions of law with regard to a petition for postconviction relief that was filed, on July 2, 2008, in *State v. Barb*, Cuyahoga County Court of Common Pleas Case No. CR-500671.

{¶ 2} Judge Saffold has filed a motion for summary judgment, that contains a copy of the findings of fact and conclusions of law as rendered with regard to Barb's petition for postconviction relief. Barb's request for a writ of

mandamus is moot. *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723; *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; *State ex rel. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163.

{¶ 3} Accordingly, we grant Judge Saffold'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.

MARY EILEEN KILBANE, PRESIDING JUDGE

ANN DYKE, J., and
LARRY A. JONES, J., CONCUR