

[Cite as *State ex rel. Blair v. O'Malley*, 2010-Ohio-1876.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 94577

**STATE OF OHIO, EX REL.
JULEANDO BLAIR**

RELATOR

vs.

HONORABLE THOMAS O'MALLEY

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 431955
Order No. 432545

RELEASE DATE: April 27, 2010

FOR RELATOR

Juleando Blair, pro se
Inmate No. 544-519
Mansfield Correctional Institution
P.O. Box 788
Mansfield, Ohio 44901

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

LARRY A. JONES, J.:

{¶ 1} Juleando Blair, the relator, has filed a complaint for a writ of procedendo. Blair seeks an order from this court, which requires Judge Thomas O'Malley, the respondent, to issue a ruling with regard to a motion to vacate or set aside the sentence that was filed in *In re: Juleando Blair*, Cuyahoga County Court of Common Pleas, Juvenile Division, Case No. DL-6109136. Judge O'Malley has filed a motion for summary judgment.

{¶ 2} Attached to the motion for summary judgment is a copy of a judgment entry, as journalized on January 8, 2009, which indicates that a

ruling has been issued by Judge O'Malley with regard to Blair's motion to vacate or set aside sentence. Blair's request for a writ of procedendo 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. Gantt v. Coleman* (1983), 6 Ohio St.3d 5, 450 N.E.2d 1163. In addition, Blair possesses or possessed an adequate remedy at law vis-a-vis an appeal from the judgment that denied his motion to vacate or set aside sentence. *State ex rel. Hughley v. McMonagle*, 121 Ohio St.3d 536, 2009-Ohio-1703, 905 N.E.2d 1220; *State ex rel. Jaffal v. Calabrese*, 105 Ohio St.3d 440, 2005-Ohio-2591, 828 N.E.2d 107.

{¶ 3} Accordingly, we grant Judge O'Malley's motion for summary judgment. Costs to Blair. 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.

LARRY A. JONES, JUDGE

CHRISTINE T. MCMONAGLE, P.J., and
JAMES J. SWEENEY, J., CONCUR