

[Cite as *State ex rel. Lisboa v. Calabrese*, 2010-Ohio-5375.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 95525

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

RELATOR

VS.

DEENA R. CALABRESE, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 437459
Order No. 438444

RELEASE DATE: November 3, 2010

FOR RELATOR

Jose C. Lisboa, pro se
Rua Santo Amaro, 320
Guaruja, Sao Paulo
Brasil 11410-070

ATTORNEYS FOR RESPONDENT

William D. Mason
Cuyahoga County Prosecutor

By: Charles E. Hannan, Jr.
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

JAMES J. SWEENEY, J.:

{¶ 1} Relator, Jose Lisboa, requests that this court compel respondent judge to issue a ruling on various motions filed by relator in *Lisboa v. Lisboa*, Cuyahoga County Court of Common Pleas Case No. CV-694524 in 2009 and as recently as June 29, 2010. Relator, Jose Lisboa, is the plaintiff in Case No. CV-694524, which has been assigned to respondent.

{¶ 2} Respondent has filed a motion for summary judgment attached to which is a copy of the journal entry dismissing Case No. CV-694524 and received for filing by the clerk on August 16, 2010. In that entry, respondent also disposed of the motions identified by Lisboa in his complaint and accompanying

affidavit. Relator has not opposed the motion. Respondent argues that this action in procedendo is, therefore, moot. We agree.

{¶ 3} Accordingly, respondent's motion for summary judgment is granted. Respondent to pay costs. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

Writ denied.

JAMES J. SWEENEY, JUDGE

MARY EILEEN KILBANE, P.J., and
MELODY J. STEWART, J., CONCUR