

[Cite as *State ex rel. Evans v. Fink*, 2011-Ohio-2804.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 96692

STATE OF OHIO, EX REL.
CARL W. EVANS

RELATOR

VS.

EDWARD J. FINK, MAGISTRATE, ET AL.

RESPONDENTS

JUDGMENT:
WRIT DENIED

Writ of Prohibition/Mandamus
Motion No. 444838
Order No. 444904

RELEASE DATE: June 8, 2011

FOR RELATOR

Carl W. Evans, pro se
#583-793
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SEAN C. GALLAGHER, J.:

{¶ 1} Carl W. Evans, the relator, has filed a complaint for a writ of prohibition and/or mandamus. Evan seeks an order from this court that requires the Parma Municipal Court and Edward J. Fink, Magistrate, the respondents, to dismiss and/or prohibit the adjudication of the traffic offenses of driving under financial responsibility law suspension or cancellation (R.C. 4510.16), speeding (R.C. 4511.21(C)), and reckless operation (R.C. 4511.20) as charged in *City of Parma v. Evans*, Parma Municipal Court Case No. 10TRD01870.

{¶ 2} Sua sponte, we decline to issue an extraordinary writ on behalf of Evans. On May 19, 2011, the Parma Municipal Court and Edward J. Fink jointly filed a “notice of dismissal entry,” which demonstrates that the traffic offenses, as charged in *City of Parma v. Evans*, supra, were dismissed on May 10, 2011. Evans’s complaint for a writ of prohibition and/or mandamus is moot. *State v. 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.

{¶ 3} Costs are awarded to the Parma Municipal Court and Edward J. Fink. Upon further consideration, costs are ordered 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.

SEAN C. GALLAGHER, JUDGE

PATRICIA ANN BLACKMON, P.J., and
KATHLEEN ANN KEOUGH, J., CONCUR