

[Cite as *State ex rel. Goldsby v. Donnelly*, 2013-Ohio-2921.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 99863

STATE, EX REL., PHILLIP GOLDSBY

RELATOR

vs.

JUDGE MICHAEL P. DONNELLY

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 465360
Order No. 466033

RELEASE DATE: July 1, 2013

FOR RELATOR

Phillip Goldsby, pro se
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Cleveland, OH 44110

ATTORNEYS FOR RESPONDENT

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TIM McCORMACK, J.:

{¶1} On May 3, 2013, the relator, Phillip Goldsby, commenced this procedendo action against the respondent, Judge Michael Donnelly, to compel the judge to issue final, appealable orders for two motions for jail-time credit that he filed on September 19, 2012, and March 22, 2013, in the underlying case, *State v. Goldsby*, Cuyahoga C.P. No. CR-559356. He maintains that he is entitled to 86 days of jail-time credit.

{¶2} On May 28, 2013, the respondent moved for summary judgment on the grounds of mootness. The docket of the underlying case shows that on March 5, 2013, the respondent judge resolved the September 19, 2012 motion by granting him 25 days of credit and, on April 5, 2013, resolved the March 22, 2013 motion by granting him a total of 27 days of credit. Moreover, attached to the dispositive motion was a certified copy of a journal entry, file-stamped May 15, 2013, in the underlying case, granting Goldsby a total of 71 days of credit. The Ohio Department of Rehabilitation and Correction's website shows that Goldsby was released from prison on May 22, 2013. Goldsby never filed a response to the motion for summary judgment. Thus, Goldsby has received his requested relief, and this action is moot. *State ex rel. Corder v. Wilson*, 68 Ohio App.3d 567, 589 N.E.2d 113 (10th Dist.1991).

{¶3} Additionally, the relator failed to support his complaint with an affidavit "specifying the details of the claim" as required by Loc.App.R. 45(B)(1)(a). *State ex rel. Leon v. Cuyahoga Cty. Court of Common Pleas*, 123 Ohio St.3d 124, 2009-Ohio-4688,

914 N.E.2d 402; *State ex rel. Wilson v. Calabrese*, 8th Dist. No. 70077, 1996 Ohio App. LEXIS 6213 (Jan. 18, 1996).

{¶4} Accordingly, the court grants the respondent's motion for summary judgment and denies the writ. Costs assessed against the relator. This court directs the Clerk of the Cuyahoga County Court of Appeals to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

TIM McCORMACK, JUDGE

LARRY A. JONES, SR., P.J., and
EILEEN T. GALLAGHER, J., CONCUR